NOTES

MYSORE GOVERNMENT SECRETARIAT

Law 112 LGN 58 File No. LAW 112 LGN 58

Department of LAW

Section VII

Subject: The Mysore Live-Stock Improvement Act, 1961

References:

To whom sent	Notes and instructions
Issued notification No. LAW 112 LGN 58 dated the 4th December, 1961, to the Compiler, Mysore Gazette ordering the publication of the Act in the Mysore Gazette dated the 1th December, 1961. (Mysore Act No. 30 of 61.)	Not for Noti Book. B 5.5.1962. 5/5/62 B.N. Ranganna Superintendent Law (d 31/5/63

HFD

~~AFD 16 ACT 58~~ Improvement Bill

ysore Government Secretariat

File No. of 195 . [App. F. III

Serial No.

As per instructions of the Deptt. Secy AFD in file no AFD 4 ACT 57, the file re: implementation of the 'Act for the improvement of Livestock' is separated & subsd hereinto for further necessary action.

RSR 9/8/58

The provisions of the Act have been gone through. They are fairly simple & practically a reproduction of the Mysore Act, the provisions of the Act are strictly enforced would really be beneficial. The draft bill may be sent to the Law Deptt for scrutiny. I would, however, suggest that in Sec. 9(1) the time of one month is increased to three months to give the rural population enough time to get the bull castrated. Secondly, the bill has no repealing clause at the end repealing existing enactments in the several integrating parts. A repealing clause will be added on at the end by the Law Deptt.

The file may be sent to LD for scrutiny. As the Act is of a non-controversial nature, I have submitted it direct to Minister; no secrecy will now be in station for a few days.

[signature] 16/8/58 D.S.

Min. Agri.)

See AVF to discuss

[signature] 22/8

[signature] 23/8

L.D. may pl. see

L.D.) [signature] 2/9

FOREST SECRETARY
6071
2 AUG 1958
GOVERNMENT OF MYSORE

Note—Contn. Sheet

A draft of the Mysore Live-stock Improvement Bill, 1958, prepared on the basis of the draft sent by the Director of Animal Husnabdry is placed below. I have omitted clause 11 in the draft of the Director. Under this clause, when certain notices are served on the person keeping a bull, who, under the definition, may be the owner or a person in possession or custo of the bull, such person, if he is not the owne is required to take all reasonable steps to inform the owner of the notices served and on his failure to do so, he is liable to indemnify the owner against any loss he may sustain. In the Bombay Act, a similar provision, which was sub-section (3) of section 11, was deleted by a later amendment in 1950 by the Bombay Act XXXV of 1950. The rights and liabilities between th owner and the person in possession or custody of the bull will be governed by the ordinary law and there is no need to have any specific mention about this in this Act in dealing with the live-stock improvement. So far as this Ac is concerned, a notice served on the keeper of the bull, even if he is not the owner, is effec

I have also omitted clause 20 in the draft of the Director, which ~~gives~~ vests certain revisional jurisdiction in the State Government, to call for and examine the records made by the subordinate

Mysore Government Secretariat

THE MYSORE LIVE-STOCK IMPROVEMENT BILL, 1958.

OSD 380. File No. 1940/Law V of 195 [App. F. III 2

Law 112 AGN 58

Serial No.

the only orders that the subordinate officers can make under this Act are grant or refusal ~~of~~ or revocation of licences, order directing castration of a bull and inspection of bulls. These are not matters in which it is necessary or desirable to have any revisional jurisdiction in the State Government.

8 For perusal and remarks, if any, before placing the Bill before the Scrutinising Committee.

17/10/58

N. R. JAYA RAO,
Officer on Special Duty,
Law Dept.

Secretary, A & F.

OFFICER ON SPECIAL DUTY No. 488 18 OCT 1958 LAW DEPARTMENT

AGRICULTURE & FOREST SECRETARY No. 7363 18 OCT 1958 GOVERNMENT OF MYSORE

May be placed before the Scrutinising Committee

Officer on Spl duty

LA

18/10/58

2749 5 OCT 1958

ADS Law

10 Law

18/10/58

11 Date and time of the meeting may be fixed

ADS

25/10

12 may be taken up on 5/11/58 at 11 am along with Animal Diseases (Control) Bill. Both are dealt in the same Deptt.

31/10/58

Sri TB
Sri CNN

13 Draft & fair of a letter put up.

31/10/58

1/11

Issue

Draft of the proceedings of the meeting of scrutinising committee put up.

VD
/11/58

~~May be approved~~ O.S.D

JSR
11/11/58

~~Law Secy~~ ~~12/11/58~~

Put up a clear draft as revised

12/11/58

Resubmitted with a revised draft.

JVS
13/11

May be approved & signed O.S

JSR
13/11/58

Law Secy

13/11

N. R. JA
Officer on S
Law

14/11

The Bill was scrutinised at the meeting of the Committee on the 5th Nov. 1958. A copy of the proceedings of the meeting of the Committee is put up. May be sent to A&F Dept.

JVS
18/11/58

JSR
18/11/58

Secy
A&F

20

O.S.

18/11/58

N. R. JAYA RA
Officer on Special I
Law Dept.

21

18/11/58

Should include

WD 01774—GPB—PZS—300,000—26-10

Mysore Governmen
Secretariat

File No. 3 AcR58 of 195

[App. F. III 2

Serial No.

objects & reasons of the bill & also the Financial Memorandum. Hence the DAH will be asked to indicate the objects & reasons and financial implications if any before submitting a council note. Dft Put up for a

RSR 19.11.58

23. SO Puts 26.XI.58

DEPUTY SECRETARY TO GOVT. 2294 26 NOV 1958 AGRICULTURE & FOREST DEPTT.

24 SO Puts 28.XI.58

Issued

25. DH Reminder is Put up for

RSR 3/1/59

26

Reminder issued

Mr. 5.1.59

Recd St No - 3-DAH

Misc 52/57-8 g 29.12.58.

OFFICE OF THE MINISTER FOR AGRICULTURE No. V-671 3 FEB 1959 BANGALORE

27. A dft council note with a statement of objects and reasons is Put up for transmitting the file to Council thro' Chief Sec for a decision to introduce the Bill in the Legislature

RSR 18/1/59

28 For approval the Note will be relapsed after approval

AGRICULTURE & FOREST SECRETARY No 343 3 FEB 1959 GOVERNMENT OF MYSORE

29

AGRICULTURE & FOREST SECRETARY No. 343 1 JAN 1959 GOVERNMENT OF MYSORE

30

31

Note.—Contn. Sheet

Mysore Live Stock Improvement Bill, 17

File No. AFD 3 ACR58 of 195

The file may be referred to Council Section for further necessary action. A Typed ~~dft~~ Council Note is also Put up.

RSR
4/2/59

Sd/-
Cl. Sec.

ORE-GOVT. SECRETARIAT
No. C-326/58-9
- 5 FEB 1959
6
A.D. (COUNCIL SECTION)

Council Case No. C.326/58-9.....

Date. 10-2-59.....

FOR CONSIDERATION AT
A MEETING OF THE COUNCIL

Council Note circulated for informati

Dy. Secy.,
GAD.

Chief Minister,
All Ministers.

Extract from the Proceedings of the....Forty-seventh.....*Meeting of the Council of Ministers held at Bangalore on*...12th February.. .....*1959*.....

Subject:- C.326/58-59.

Mysore Livestock Improvement Bill, 1958.

DECISION OF CABINET.

Resolved that the draft of the Mysore Livestock Improvement Bill, 1958, be approved and that steps be taken to introduce it in the Mysore Legislature and pass it into law.

(SD) B.D.JATTI
CHIEF MINISTER
12-2-59.

NB: Action taken on the Cabinet decision may please be intimated to Cabinet Section.

Secretary,
A. & F.

U.S.C)

1085
18/2

AFD3 ACR58

MYSORE GOVERNMENT SECRETARIAT
No 1104
19 FEB 1959
ANIMAL HUSBANDRY & FISHERIES

"EXTRACT"

for *Chief Secretary to Government.* G.A.D-

AFD 3 ACR 58 Impt. Bill 5 dt

...ince the Council has agreed to introduce the bill in the Legislature & Pass it as Law, the file may be referred Law Dept for further necessary action.

P.O.

P.N. 3843 / Ca

Sec. V
20.2.59

~~ADS~~

Pl. bring up with printed Bill 20/2/59

Submitted with the printed Bill.

For approval before transmission sending to Secy, Mysore Legislative Council.

O.S.D.

Mas 2/3/59

Sub Cl(3) of clause(1) as modified is better than the original & makes working & application of the Act, easy.

Law Secy

2/3/59

N. R. JAYA RAO,
Officer on Special Duty,
Law Dept.

2/3

Mas 3/3/59

ADDITIONAL DEPUTY SEC... No. 350 21 FEB 1959 LAW DEPARTMENT

Sri J.B

21/2/59

OFFICER ON SPECIAL ... No. 207 2 MAR 1959 LAW DEPARTMENT

SECRETARY TO GOVERNMENT No. 403 2 MAR 1959 LAW DEPARTMENT

Sri J.B

3/3/59

The Mysore Livestock Improvement Bill, 1959

Mysore Government Secretariat | File No. of 195 | App. F. III 2

LAW 112 LGN 58

Serial No.

44 Draft and fair of a letter forwarding three copies of the Bill to the secy. Mysore Legislative council are put up.

SVB 13/3/59

45 JSR 13/3/59 O.S.D) Mas 13/3/59.

Law Secy) 14/3

46 ADJ

Sri J.B JSR 3/11/59

Sus A 3/11/59

Sus A JSR 30/9/59 JSR 3/11/59

47 Issued No. LAW 112 LGN 58 d. 14.3.1959 To The Secy. Mysore Legislature

Copy to:

1 The secy. to Govt. A & F. Dept.

2 The cabinet section, GAD

Sri J.B JSR 31/8/59.

JSR 25/5/59

48 The Bill has been included for introduction in the LC according ~~in the~~ List of Business of ...

Motion for introduction of the Bill in the Legislative council is placed in the file for submission to the Minister for Food & Agri.

SECRETARY ... GOVERNMENT 1048 22 MAY 1959 LAW DEPARTMENT

Sus 24/5/59

49 SVB 1/4

Law Secy) Mas 1/4/59.

50 JSR 1/4/59

Minr for Food & Agri) Revised 1/4

OFFICE OF THE ... GOVT. OF ... No. V-184 21 MAY 1959 BANGALORE

ADDITIONAL DEPUTY SECRETARY No. 192 23 MAY 1959 LAW DEPARTMENT

Sri J.B JSR 23/5/59

Sus 1/9 JSR 1/9/59

Note.—Contn. Sheet

Mas 25/5/59

File No. AFD ... of 195 .

Motion for consideration of the bill in the L.C. is submitted

Sus 9/12/59

Mas 10/12/59

A

JOR 9/12/59

Law secy)

Minr for Agr.) N Vasudeva 10/12

A. M. SYAMPRASAD. 15/4

Private Secretary to the ...

U.S. A&F)

May be retd to Law Depts

RSR 18/4

For perusal.

18/4

18/4 Minr for Agri.

18/4

24/4

LD]

Report of select Committee may be placed in the file.

Mas 25/4/61

A copy of the report of the Select is placed in the file.

This will be kept in Sus in L.C

in the ~~next meeting~~ meets next

Sec 7 22/4.

Registrar-I Law Department.

317

DP Law)

29/4

DEPUTY SEC... No 849 24 APR ... LAW DEPARTMENT

Sus 3/5/61

THE MINISTER FOR AGRICULTURE ... No. 70 13 APR 1961

THE MINISTER ... No. 80 ... APR 1961

AGRICULTURE & FOREST SEC... No 311 20 APR 1961 GOVERNMENT OF ...

WD 04559—GPB—PZS—2,00,000—1958

The Mysore Live-Stock Improvement Bill, 1959

Mysore Government Secretariat

LAW File No. 112 LGN of 1958.

[App. F. III 2

Serial No.

LAW DEPARTMENT

62 This Bill was referred to a Select committee of the L.C. and the report of the Select Committee has been presented to the L.C.

63 This Bill is included as item no. 3 in ~~Circular~~ the list of Legislative Business circulated to the members of the L.C. in L. circular no. 11.

64 Further motions to be made in respect of this Bill are motion for the consideration ~~of the~~ and passing of the Bill as reported by the Select Committee. Form of motion for consideration and passing is placed in the file.

65 A copy of the report of the Select Committee and also a copy of the Bill as introduced in the L.C. are placed in the file.

66 The file is put up for submission to the Minister for Agriculture and Social Welfare who is in charge of this Bill.

Mas 17/7/61

17/vii/61

Law Secy

M. A. SRIKRISHNA,
Deputy Secretary
Law Department.

17/7/61

TKT
17.7.61

Minister Agriculture

Mas 17

667
1877

1291
17 JUL 1961

The Mysore Live stock Improvement Bill 1959,

File No. LAW 112 ~~LGN of 1958~~.

Mysore Government
Secretaria

Serial No.

The bill is passed into Act on 18.11.1961

A. M. SYAMPRASAD
Private Secretary to the Minister
for Agriculture and Social Welfare.

OFFICE OF THE MINISTER FOR AGRICULTURE & SOCIAL WELFARE.
No. 1335
Date 61-62

18-7-61

924

Sn 7

17 NOV 1961
Registrar-I
Law Department.

Mas
20/11

LIBERTY DRAFTSMAN & EX. OFFICIO DEPUTY SECRETARY
No. 2341
20 NOV 1961
LAW DEPARTMENT

Letter No. 10972/L.A. dated 30.11.61
from the Secretary, Legislature.

The Secretary, Mysore Legislature, has forwarded parchment copies of the Mysore Live-stock Improvement Bill, 1961, as passed by both Houses of the Legislature, authenticated by the Speaker, Legislative Assembly.

The Subject matter of the bill falls under Entry 15 of List II of the Seventh Schedule to the Constitution of India. The Bill may therefore be ~~the~~ Submitted to the Governor for assent under Article 200 of the Constitution.

As required by the Mysore Government Secretariat Instructions, the Secretary to Government, Agriculture and Forest Department may also be consulted

30/11/61

Law Secy 30/11/61

TKT

Y. V. REDDI,
Secretary to Government
Agriculture & Forest Dept

MYSORE LIVE-STOCK IMPROVEMENT BILL, 1961

Mysore Government Secretariat

LAW File No. 112 LGN of 1958

[App. F. III 2

Serial No.

LAW DEPARTMENT

Two authentic copies of the Mysore Live-stock Improvement Bill, 1961, as passed by both Houses of the State Legislature are placed in the file. The Governor may be pleased to declare his assent to the Bill under Article 200 of the Constitution of India by affixing his signature in the appropriate place with the date on both copies of the Bill.

lags 'S' and 'T'

(T.K. TUKOL)
SECRETARY TO GOVERNMENT
LAW DEPARTMENT
30-11-1961

Secretary to Governor

Submitted to His Highness for gracious approval and signature.

1.12.61

UNDER SECRETARY.
1-12-1961.

H.H. no. 611/61-62
1.12.61

APPROVED.

GOVERNOR.

1.12.61

Secretary to Govt.
Law Department.

Sn 7

as 1/12/61

2- DEC 1961
Registrar-I
Law Department

Draft and fair of a notification publishing the Act as Act no. 30 of 1961 in the Mysore Gazette dated 7-12-1961 are put up for approval and signature.

Draft and fair of a letter to the Secretary, Mysore Legislature forwarding the authentic copy of the Bill, are also put up for approval and signature.

Issue

D/S
Law Secy

mas 4/12/61

2/xii/61

2/12/61

TKT 4.12.61

... Live Stock Improvement Bill, 1961

File No. LAW 112 LGN of 1958

Mysore Government Secretariat

Serial No.

Issued letter no. LAW 112 LGN 58 dated 4.12.1961, to the Secy., Mysore Legislature.

Issued notification no LAW 112 LGN 58 dated 4.12.1961 to

1) The Compiler, Mysore Gazette
2) The Chief Translator to Govt.

Letter no. 11660/LA. dated 15.12.1961 from the Secy., Mysore Legislature

The Secretary, Mysore Legislature has acknowledged receipt of the authentic copy of the Bill signed by the Governor

As no further action is necessary, the file will be closed if approved after keeping printed spare copies of in Act

28/XII/61

28/12/61

mp / mas 28/12/61

~~If approved, this file will be kept in Sub.~~ ... Act as published

...SHAH & EX. OFFICIO DEPUTY SECRETARY
No. 2602
28 DEC 1961
LAW DEPARTMENT

Sr KPR

The Mysore Live-stock Improvement Bill, 1961.

Mysore Government
Secretariat

(App. F. III 2 15

LAW File No. 112 LG N of 1958.

Serial No.

GOVERNMENT OF MYSORE

DEPARTMENT OF ANIMAL HUSBANDRY AND VETERINARY SERVICES

Telegraphic Address :
"Veterinary" Bangalore
Telephone : 2831

MYSORE GOVERNMENT SECRETARIAT
No. 13442
21 DEC 1957
ANIMAL HUSBANDRY & FOREST BRANCH

OFFICE OF THE DIRECTOR OF ANIMAL HUSBANDRY
AND VETERINARY SERVICES IN MYSORE,
BANGALORE-3

No. Misc. 52/57-8 Dated 18th Dec. 1957
Encl.

FROM

DR. K. S. SHETTY, G.M.V.C., Ph.D. (EDIN.),
DIRECTOR OF ANIMAL HUSBANDRY AND VETERINARY
SERVICES IN MYSORE, BANGALORE.

TO

The Secretary to the Government of Mysore,
Agriculture & Forest Departments,
B_a_n_g_a_l_o_r_e.

SIR,

SUBJECT :— Integration of laws.

- - -

With reference to your D.O. letter No. AD 12834/57 dated 9-12-1957, requesting to forward a detailed report indicating the steps taken in the matter of Integration of laws relating to this Department, I write to enclose herewith a report detailing the action proposed to be taken on the several Acts in force in the integrated areas as well as in the former State of Mysore for favour of information and necessary action of Government. This has also reference to your letter No. AD 13282/57 dated 16th December 1957.

Yours faithfully,

(K.S.Shetty)
DIRECTOR.

BN:

5 (1) etc

INTRODUCTION.

The following acts in force in Mysore, Coorg and in the Bombay, Madras and Hyderabad areas were studied in detail to evolve uniform acts applicable to the whole of the State :-

Mysore :-

(a) The Mysore Livestock Improvement Act 1951
(b) The Mysore Diseases of Animals Act 1949
(c) The Mysore Prevention of Cow Slaughter Act 1948
(d) The Mysore Prevention of Animal Sacrifice Act 1948.

C o o r g :-

(a) The Coorg Livestock Improvement Act 1950
(b) The Coorg Animal Contagious Disease Act 1941

Bombay :-

(a) The Bombay Livestock Improvement Act 1953
(b) The Bombay Animal Contagious Disease (control) Act 1948
(c) The Glanders and Farcy Act 1899
(d) The Dourine Act 1910
(e) The Bombay Animal Preservation Act 1949
(f) The Bombay Veterinary Practioners Act 1949

M a d r a s :-

(a) The Madras Livestock Improvement Act 1940
(b) The Madras Cattle Diseases Act 1866
(c) The Madras Rinderpest Act 1940

Hyderabad :-

(a) The Hyderabad (slaughter of Animals) Act 1950

Of the acts noted above, no recommendations have been made regarding the following two acts, for reasons given thereunder:-

(i) The Mysore prevention of Animal sacrifice Act 1949:-
This prohibits the sacrifice of Animals in Hindu temples. ~~Although the committee was in full agreement with the object of the Act it was felt it does not fall within its preview, as~~ It is more in the nature of a religious or social reform.

(ii) The Bombay Veterinary Practioners Act 1953:-

~~The committee was given to understand that necessary action for the formulation of~~ a similar act has already been under consideration of the Government.

The rest of the Acts can be classified into three categories as follows:-

(a) Act for the Improvement of Livestock

(b) Act for the Control of contagious diseases of animals

(c) Act for the preservation of Livestock by the control of slaughter of animals for purposes of food.

These are considered separately under Part I, II and III.

P A R T.I.

ACT FOR THE IMPROVEMENT OF LIVESTOCK.

The following Acts are considered under this head:-

(a) The Mysore Livestock Improvement Act 1951
(b) The Coorg Livestock Improvement Act 1950
(c) The Bombay Livestock Improvement Act 1953
(d) The Madras Livestock Improvement Act 1940

In all these acts, there is a large measure of uniformit; and the aims and objects are :-

(i) Elimination of defective bulls from breeding by compulsory castration and licensing of bulls approved as fit for breeding.

(ii) In most of the areas, there is a shortage of proper breeding bulls and hence it is stipulated that the Act may be brought into effect, only in areas where there are the required number of bulls, by a further notification by the Government.

(iii) License for a breeding bull is not to be issued when

(a) the bull appears to be defective or of inferior type and is likely to be-get defective or inferior progeny

(b) the bull is permanently affected with a contagious or infectious disease or from any other disease rendering the bull unsuitable for purposes of breeding.

(c) the bull is of a breed which is undesirable to propagate in the district or parts of the district in which it is kept.

(iv) all bulls after a prescribed age, without a license may be compulsory castrated.

As already stated there is a great uniformity in all these acts and any one of them may, with some modifica--tions, made applicable to the New State, which would satisfy all the needs.

~~The Committee recommends~~ It is recommended that the Mysore Livestock Act with some minor modifications as noted below, be promulgated in the New State.

Modifications

(i) In Section 2, under "definitions" the following may be added.

Bull includes a buffaloe bull
Cow includes a buffaloe cow and heifer.

The above definitions have been incorporated in the Madras and Coorg acts. The dictionary meaning of bull is male or any bovine species and cow the female of any bovine species

as they are, mean a buffaloe bull or cow also. It was felt that to avoid any confusion, the definitions referred to above be added, as has been done in the Madras and Coorg Acts.

(ii) Section 4 (1) of the Mysore Act runs as follows:-

> No person shall keep a bull which has attained the age corresponding to the eruption of two central teeth for the purpose of serving cows except under and in accordance with the terms and conditions and restrictions of a license granted under section"

This may be modified as :-

(a) It is better to give the age of the bull under Rules to be framed by the Government under the Act, which permits more easily any alterations as required, instead of categorically fixing it in the Act itself as age "corresponding to the eruptions of two central incisor teeth".

(b) The words "for the purpose of serving Cows" may be deleted else no action can be taken against an owner of a scrub bull, who merely insists that it is not meant for serving cows, while the same bull roaming about, may accidentally cross a cow in heat and thus defeat the very purpose of the act.

In view of the above, section 4 (1) may be substituted by the corresponding section of the Bombay Act, which runs as follows:-

> " No person shall keep a bull which has attained the prescribed age under and in accordance with the terms, conditions and restrictions of a license granted under section....."

Section 9 of the Mysore Act permits a person 3 months time, from the date a notice is served on him, to get his unfit bull castrated. This may be reduced to one month as is the case in Bombay, Madras and Coorg Acts.

The following section of the Bombay Madras and Coorg Acts but not existing in Mysore Act may be incorporated in the new act.

> If any notice is served under section .....on any person who is not the owner of the bull, it shall be the duty of that person forthwith to take all reasonable steps to inform the owner of the contents of such notice or order and if he fails to do so, he shall be liable to indemnify the owner against any loss the owner may sustain by reason of such failure".

This is necessary to simplify the working of the Act, in cases where the owner is not available for the service of the notice or his where-abouts not correctly known at the time.

The Mysore Livestock Improvement Act of 1951 ...

the modifications noted above, which is recommended to be promulgated in the New State, runs as follows :-

THE MYSORE LIVE-STOCK IMPROVEMENT ~~ACT~~.

~~An Act~~ to provide for the improvement of livestock in the State of Mysore.

WHEREAS it is expedient to provide for the improvement of livestock in the State of Mysore;

~~It is hereby enacted as follows:-~~

Short title, extent and com--mence--ment.

I. (1) This Act may be called the Mysore Live-stock Improvement Act.

(2) It extends to the whole of the State of Mysore.

(3) This section shall come into force at once, and the State Government may, from time to time, by notification ~~in the Mysore Gazette~~, apply all or any of the remaining provisions of this Act to the whole or any portion of the State from such date and for such period, if any, as may be specified in the notification, and may cancel or modify any such notification.

Defini--tions.

2. In this Act, unless ~~there is anything repugnant in the subject or~~ context,

(a) "Director" means the officer appointed by the State Government as the Director of Animal Husbandry Services in Mysore and includes any other person on whom the powers or duties of the Director under this Act have been confer--red or imposed under section 3;

(b) "licence" means a licence granted under section 4;

(c) "licensing officer" means the Director or any other officer ~~or person~~ authorised to grant licences under section 4;

(d) "prescribed" means prescribed by rules made under this Act;

(e) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody; and

(f) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

(g) Bull includes a buffaloe bull.
(h) Cow includes a buffaloe cow and heifer.

Confer--ment of powers or duties of the Director.

3. The State Government may, by ~~general or special order~~, confer or impose on any person all or any of the powers or duties of the Director under this Act.

Bulls which have attained a certain age to be licen--ced.

4. (1) No person shall keep a bull which ~~he~~ has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a license granted under this section.

Explanation.- Where a person keeps more than one bull he shall obtain a separate licence in respect of each bull.

(2) Every licence under this section shall be granted by the Director or any officer ~~or person~~ not below the rank of a Veterinary Inspector authorised by ~~him~~ by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed; Provided that No fee shall be charged for the grant of the licence.

x the Director

Refusal and revocation of licences.

5. (1) Subject to such rules as may be prescribed, the licensing officer may refuse to grant or may revoke a licence in respect of any bull if in his opinion the bull appears to be--

(a) of defective or inferior conformation and conse--quently likely to beget defective or inferior progeny, or

(b) suffering from an incurable, contagious or infec--ctious disease or from any other disease rendering the bull unsuitable for breeding purposes, or

(c) of a breed which is undesirable in public interests to propagate in the district or part of the district in which it is kept.

(2) The licensing officer may also revoke a licence granted in respect of any bull kept within his jurisdiction (whether such licence was granted by himself or by any other officer) if in his opinion-

(a) the licence was granted under circumstances which the licensing officer was ~~not~~ aware at the time of granting the licence, ~~or~~ he would not have granted it;

(b) there has been a breach of any of the terms, conditions or restrictions of the licence.

(3) If a licence is revoked under this section, the officer revoking the licence shall give notice ~~there~~ thereof to the person keeping the bull or to the person stated in the licence to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) ~~Where the officer or person~~ Against any order either refusing to grant or revoking a licence under sub-~~clause~~ (1) or sub-~~clause~~ (2) ~~is not the Director~~, an appeal shall lie against ~~such order to the Director,~~ [illegible]

(5) No person shall be entitled to any compensation for the refusal or revocation of any licence under this section.

[illegible] thirty days of the communication of such order

(i) to the ~~Director~~ State Govt, if the order is of [illegible]

(ii) to the ~~State Govt~~ Director [illegible]

Surrender of licence.

6. A licence granted in respect of a bull shall be surrendered without delay to the licensing officer, if---

(a) the period specified in the licence expires, or

(b) the licence is revoked under this Act, or

(c) the bull dies or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

Grant of duplicate licence.

7. If the licensing officer is satisfied that the licence ~~xxxxxxx~~ granted under section 4 has been lost or destroyed, such officer may, subject to such conditions and payment of such fees, as may be prescribed, issue to the holder of the licence a duplicate thereof, and all the provisions of this Act with respect to the licence so lost or destroyed shall apply to the duplicate as if it were the original licence.

Inspection of bulls.

8. The licensing officer may by ~~order~~ notice served on the prescribed manner require any person keeping a bull to submit it for inspection at any reasonable time by himself or by any officer ~~or person~~ deputed by him for the purpose, ~~at any reasonable time,~~ either at the place where the bull is kept for the time being or at any other reasonable place specified in the notice and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all reasonable assistance in connec-tion with such inspection to the officer concerned.

Power to order castra-tion of bulls.

9. (1) The licensing officer may, by ~~order~~ notice served in the prescribed manner, require any person keeping a bull ~~required to be licensed under section 4~~ and in respect of which no licence is for the time being in force under this Act, to have it ~~effectively~~ castrated, within ~~xxxxxxxxxxx~~ one month from the date of service of the ~~order~~ notice, by a method and in a manner approved by the Director and specified in the notice.

(2) Such castration shall be performed or caused to be performed by the licensing officer free of charge, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the ~~order~~ notice.

Production of licence.

(10) ~~10~~. It shall be the duty of any person who for the time being keeps a bull in respect of which a licence has been obtained and is in force, to produce such licence:

(a) within a reasonable time, at any place where the bull is for the time being, on demand made by a licensing officer or any other officer ~~of the Animal Husbandry Department~~ not below the rank of Veteri-nary Inspector, or authorised in this behalf by the Director

(b) before a cow is served by the bull, on demand made by the person in charge of the cow.

duty to inform owner of contents of notice under sections 5, 8 or 9 ?

~~11. If any notice is served under section 5, 8 or 9 on any person who is not the owner of the bull, it shall be the duty of that person forthwith to take all reasonable steps to inform the owner of the contents of such notice or order and if he fails to do so, he shall be liable to indemnify the owner against any loss the owner may sustain by reason of such failure.~~

Penalties

12. Whoever —

(a) keeps a bull, in contravention of the provisions of this Act or of any rule or order made thereunder, or of any terms, conditions or restrictions of a licence; or

(b) neglects or fails to submit a bull for inspection when required to do so under section 8; or

(c) neglects or fails to comply with an ~~order~~ notice served under section 9 ; or

(d) neglects or fails to produce a licence when required to do so under section 10:

shall be punishable with fine which may extend to fifty rupees and in case of a second or any subsequent offence, with fine which may extend to one hundred rupees.

Power of licensing officer to castrate bulls.

13. (1) If a person who keeps, a bull neglects or fails to have it castrated when required to do so under section 9 the licensing officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescri--bed manner, free of charge.

(2) (a) If it is not known in whose ownership, possession or custody a bull is for the time being, and thefact cannot be ascertained after an enquiry in the prescribed manner, the licensing officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the age ~~specified in section 4~~ prescribed and is unsuitable for breed--ing purposes on any of the grounds specified in sub-section (1) of section 5, may direct that the bull be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(b) Every bull seized under clause (a) shall, after it has been castrated and marked as aforesaid where necessary, be sold by public auction or sent to a pinjrapole or infirmary, recognised by the State Government in this behalf.

(c) In case the owner of any bull seized under clause(a) appears before the licensing officer within such time as may be prescribed in this behalf and proves to the satis--faction of such officer that the bull is owned by him:

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incur--ed for the maintenance and sale of the bull; and

deter- [illegible] in the prescribed manner

(ii) in any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance and determined in the prescribed manner.

(d) The costs, charges and expenses referred to in sub-~~clauses~~ sections (i) and (ii) of clause(c) shall be determined in the prescribed manner.

Power of licensing officer, etc., to inspect or mark bulls and to enter premises.

14. For the purposes of this Act, a licensing officer or any officer ~~or person~~ authorised by ~~him~~ the Director in this behalf shall have power at all reasonable times---

(a) to inspect any bull;

(b) to mark any bull with a prescribed mark in the prescribed manner; and

(c) subject to such conditions and restrictions, if any, as may be prescribed to enter any premises or other place where he has reason to believe that a bull is kept.

Duty of officers to report offences.

15. It shall be the duty of all village officers and servants and of all officers of the Animal Husbandry, Agricultural and Revenue Departments:

(a) to give immediate information ~~to the nearest licensing officer~~, of the commission of any offence or attempt or preparation to commit any offence punishable under this Act, ~~which may come to their knowledge~~ to the nearest licensing officer;

(b) to take all reasonable measures in their power to prevent the commission of any such offence which they ~~may~~ know or have reason to believe is about or likely to be committed; and

(c) to assist any licensing officer in carrying out the provisions of this Act.

Cognizance of offences.

16. No Magistrate shall take cognizance of any offence under this Act except upon a complaint made by a licensing officer or any person authorised by such officer in this behalf.

Officers to be public servants.

17. The Director, every licensing officer, all officers and persons authorised by the Director ~~of~~ or licensing officer under this Act, and all village officers and servants shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, ~~1860~~ (XLV of 1860).

Bar of certain proceedings.

18. (1) No ~~suit~~, prosecution or other proceeding shall lie against any officer or servant of the State Government for any act done or purporting to be done under this Act without the previous sanction of the State Government.

(2) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of

functions imposed by or under this Act.

Limitation for certain suits and prosecutions.

19. No suit shall be instituted against the State Government and no suit, ~~prosecution~~ prosecution or other proceeding shall be instituted against any officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

Revision.

20. The State Government may, at any time, either suo moto or on application, call for and examine the record of any order passed by, or any proceedings recorded by any officer or person under this Act, for the purpose of satisfying themselves as to the legality or propriety of such order or as to the ~~rei~~ regularity of such proceedings, and may pass such orders in reference thereto as they think fit.

Nothing contained in this section shall apply to the orders or proceedings of any Court or Magistrate.

Power to make rules.

21. (1) The State Government may after prior publication make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the genera--lity of the foregoing power, such rules may provide for--

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) ~~the circumstances in which duplicates of licences may be granted,~~ the fees which may be charged for the grant of ~~such~~ duplicates, and the condi--tions, restrictions and limitations subject to which they may be granted;

(c) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure of such officers; and

(d) the service of notices and orders issued under this Act.

3) In making a rule under sub-section(1) or sub-sectio
), the State Government may provide that a person
.lty of a breach thereof shall be punishable with fine
.ch may extend to fity rupees.

4) The power to make rules conferred by this section
.ll be subject to the condition of the rules being
e after previous publication.

4) All rules made under this section
[illegible]

(5) All rules made under this section shall be published in the Mysore Gazette and upon such publication shall have effect as if enacted in this Act.

2[illegible]. (1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith to a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner to the licensing officer.

(2) If the licensing officer is of opinion that any such bull as is referred to in sub-section (1) is of the description set out in sub-clause(a), or sub-clause(b), or sub-clause(c) of sub-section (1) of section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Director or cause such bull to be removed to a prescribed place.

23. The Mysore Livestock Improvement Act [illegible] in force in Mysore Area

The [illegible] Livestock Impt Act, 1933 as in force in [illegible] Area

The Mysore Livestock Impt Act, 1940 as in force in Mysore Area

The Coorg Livestock Impt Act, 1950 as in force in Coorg at [illegible]

Shall stand repealed from the date this Act comes into force in Act [illegible]

Provided that the proviso of sec 6 of Mys G C Act, 1893 & [illegible] the said Act shall apply [illegible]

Typed 8 copies
[illegible]
16/[illegible]

Appendix F. G.—1]

SUBJECT: The Mysore Livestock Improvement Bill 1958

Diary No. of letter replied to .....

Mysore Government Secretariat.

( )

the 195 .

Date of issue.....

Signed by..... 29-11-58

List of enclosures .....

Copied by.....

Section

File No.

Serial No.

No. AFD 3 AC R58 7 · 29.
Ec Impvt - Bill

To The DAH NS

Sir,

Sub: xx

Ref: your letter No 52/57-8 9 18/12/57

I am direct forward herewith a copy The Mysore Livestock Impro Bill 1958 as scrutini the scrutinising committe to request you kindly to retu same with a statement of reasons along with the ~~the bill~~ financial memorandum ~~implication~~ for taking ~~the~~ immediate acti

Proceedings of the meeting of the Scrutinising Committee held between 12 Noon and 1-30 P.M. on Wednesday the 5th November 1958 in the Chambers of the Secretary to Government, Law Department to consider the Mysore Live-stock Improvement Bill, 1958.

Present.

1. The Secretary to Government, Law Department.
2. The Officer on Special Duty, Law Department.
3. The Secretary to Government, Agriculture and Forest Department.
4. Two Officers of the Department of Animal Husbandry Services.
5. Sri Mahishi, High Court Government Pleader on behalf of the Advocate General was present.

The Bill was read and considered clause by clause.

1. Clause 2:- For the words "Director of Animal Husbandry", the words "Director of Animal Husbandry and Veterinary Services" were inserted.

2. Clause 5.- The words "after giving a reasonable opportunity to the person concerned of being heard" were added between the words "may" and "revoke" both in sub-clause (1) and in sub-clause (2).

3. Clause 21.- In clause 21, for the heading "saving" the expression "Bull dedicated to a religious purpose" was substituted.

4. A copy of the Bill as approved by the Committee is annexed.

RPVasudeo

(R.P.Vasudeo)
Secretary to Government,
Law Department.

GOVERNMENT OF MYSORE

DEPARTMENT OF ANIMAL HUSBANDRY & VETERINARY SERVICES

Telegraphic Address :
"Veterinary" Bangalore
Phone : 2831 & 5767

MYSORE GOVERNMENT SECRETARIAT
No 62
03 JAN 1959
ANIMAL HUSBANDRY & FISHERIES

OFFICE OF THE DIRECTOR OF ANIMAL HUSBANDRY
& VETERINARY SERVICES IN MYSORE,
'ATARA KACHERI,' BANGALORE-1

No. Misc. 52/57. Dated 29th December 1958

FROM

DR. K. S. SHETTY, G.M.V.C., Ph.D. (EDIN.),
DIRECTOR OF ANIMAL HUSBANDRY & VETERINARY
SERVICES IN MYSORE, BANGALORE.

To

The Secretary to the Government of Mysore,
Agriculture & [illegible] artment,
[illegible] NGALOR

SIR,

SUBJECT :— Mysore Livestock Improvement Bill 1958.

With reference to your letter No. AFD 3 ACR 58 dated 29th November 1958 on the above subject, I write to enclose herewith the statement of objects and reasons in respect of the bill under consideration.

Regarding financial Memorandum, no expenditure is involved in the enforcement of the Act as the Departmental Officers are to act as Officers contemplated under the Act to enforce the clauses.

The concerned bill is returned herewith.

Yours faithfully,

DIRECTOR.

THE MYSORE LIVESTOCK IMPROVEMENT BILL 1958.

Statement of objects and reasons:-

At present in the different areas of the State a number of enactments, noted in the margin are in force, providing for measures to be taken for the improvement of cattle in the State.

1. The Mysore Livestock Improvement Act 1951.
2. Coorg Livestock Improvement Act 1950.
3. Bombay Livestock Improvement Act 1953.
4. The Madras Livestock Improvement Act 1940.

With a view to having a single uniform Act, applicable to the entire new State, the Mysore Livestock Improvement Bill 1958, is being introduced.

In order to carry on cattle breeding programme of work on scientific lines for improving and developing our present inferior type of village cattle, it is very necessary that (1) only approved superior type breeding bulls are used for breeding purposes and (2) all scrub bulls are castrated to pr-event the multiplication of inferior types. These important measures are provided for in the Mysore Livestock Improvement Bill 1958, now under introduction.

AGRICULTURE & FOREST DEPARTMENT
(A.H.& Fisheries Section)

DRAFT COUNCIL NOTE

Sub:- Mysore Livestock Improvement Bill 1958.

Since different Acts are in force in the various integrating areas of the State in respect of Cattle improvement, a uniform legislation for the whole State was considered necessary and accordingly a draft bill is prepared in consultation with the Law Department. The Bill provides for obtaining licenses to keep bulls which have attained the prescribed age and for castration of scrub bulls.

(2) The Bill has no financial commitments. ~~as far as its enactment is concerned~~.

(3) Orders of the Council are solicited for the introduction of the Bill 'The Mysore Livestock Improvement Bill 1958' in the Legislative Assembly. ~~for making it a Law~~

Secretary to Government,
Agriculture and Forest Department.

AGRICULTURE & FOREST DEPARTMENT
(A.H.& Fisheries Section)
...

DRAFT COUNCIL NOTE

Sub:- Mysore Livestock Improvement Bill 1958.
--:--

Since different Acts are in force in the various integrating areas of the State in respect of Cattle improvement, a uniform legislation for the whole State was considered necessary and accordingly a draft bill is prepared in consultation with the Law Department. The Bill provides for obtaining licenses to keep bulls which have attained the prescribed age and for castration of scrub bulls.

(2) The Bill has no financial commitments.

(3) Orders of the Council are solicited for the introduction of the Bill 'The Mysore Livestock Improvement Bill 1958' in the Legislative Assembly.

Secretary to the Government,
Agriculture and Forest Department.

SECRET. AFD 3 ACR 58. 17

CABINET NOTE.

SUBJECT:- C.326/58-59.

Mysore Livestock Improvement Bill, 1958.

Since different Acts are in force in the various integrating areas of the State in respect of Cattle improvement, a uniform legislation for the whole State was considered necessary and accordingly a draft Bill is prepared in consultation with the Law Department. The Bill provides for obtaining licenses to keep bulls which have attained the prescribed age and for castration of scrub bulls.

2. The Bill has no financial commitments.

3. Orders of the Council are solicited for the introduction of the Bill "The Mysore Livestock Improvement Bill, 1958" in the Legislative Assembly.

Secretary to Government,
Agriculture and Forest Department.

BRN/7-2-59. 9.2.59.

STATEMENT OF OBJECTS AND REASONS.

At present in the different areas of the State, the enactments noted in the margin are in force, providing for measures to be taken for the improvement of livestock in the State.

1. The Mysore Livestock Imppovement Act, 1951.
2. Coorg Livestock Improvement Act, 1950.
3. Bombay Livestock Improvement Act, 1953.
4. The Madras Livestock Improvement Act, 1940.

With a view to have a single uniform Act, applicable to the entire new State, the Mysore Livestock Improvement Bill, 1958, is introduced.

The Bill provides for obtaining licenses to keep bulls which have attained the prescribed age and for castration of scrub bulls.

Encl: One Bill.

THE MYSORE LIVE-STOCK IMPROVEMENT BILL, 1958.

A Bill to provide for the improvement of livestock in the State of Mysore.

WHEREAS it is expedient to provide for the improvement of a live-stock in the State of Mysore.

Be it enacted by the Mysore State Legislature in the Ninth Year of the Republic of India as follows:-

1. Short title, extent and commencement:- (1) This Act may be called the Mysore Live-stock Improvement Act, 1958.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date and in such areas as the State Government may, by notification, specify.

2. Definition:- In this act, unless the context otherwise requires:-

(a) "bull"includes a buffalo bull;

(b) "cow" includes a buffalo cow and heifer;

(c) "Director" means the Officer appointed by the State Government as the Director of Animal Husbandry and Veterinary Services in Mysore, and includes any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under section 3;

(d) "licence" means a licence granted under section 4;

(e) "Licencing Officer" means the Director or any other Officer authorised to grant licences under section 4;

(f) "notification" means published in the official Gazette;

(g) "prescribed" means prescribed by rules made under this Act;

(h) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody; and

(i) a bull is said to be "castrated" if it is rendered incapable of propagating its species;

3. Conferment of powers or duties of the Director.- The State Government may, by notification, confer or impose on any person all or any of the powers or duties of the Director under this Act.

4. Bulls which have attained a certain age to be licenced:- (1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under this section.

Explanation:- Where a person keeps more than one bull he shall obtain a separate licence in respect of each bull.

(2) Every licence under this section shall be granted by the Director or any Officer not below the rank of a Veterinary Inspector authorised by the Director by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed:

Provided that no fee shall be charged for the grant of the licence.

5. Refusal and revocation of licences.- (1) Subject to such rules as may be prescribed, the Licencing Officer may refuse to grant or may revoke a licence in respect of any bull, if in his opinion the bull appears to be -

(a) of defective or inferior conformation and consequently, likely to be get defective or inferior progeny, or

(b) suffering from an incurable, contageous or infectious disease or from any other disease rendering the bull unsuitable for breeding purpose; or

(c) of a breed which is undesirable in public interests to propagate in the district or part of the district in which it is kept;

(2) The Licencing Officer may also after giving a reasonable opportunity to the person concerned revoke a licence granted in respect of any bull kept within his jurisdiction (whether such licence was granted by himself or by any other officer) if in his opinion -

(a) the licence was granted under circumstances, which, if the Licencing Officer was aware at the time of granting the licence, he would not have granted it; or

(b) there has been a breach of any of the terms, conditions or restrictions of the licence;

(3) If a licence is revoked under this section, the Officer revoking the licence shall give notice thereof to the person keeping the bull or to the person stated in the licence to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) Against an order either refusing to grant or revoking a licence under sub-section (1) or sub-section (2) an appeal shall lie within thirty days of the communication of such order -

(i) to the State Government, if the order is of the Director;

(ii) to the Director, in other cases,

The order in sppeal shall be final.

(6) Surrender of licence.- A licence granted in respect of a bull shall be surrendered without delay to the Licencing Officer, if -

(a) the period specified in the licence expires, or
(b) the licence is revoked under this Act, or
(c) the bull dies or is certified by the prescribed Officer to have been effectively castrated by a method and in a manner approved by the Director.

7. Grant of duplicate licence.- If the Licencing Officer is satisfied that the licence granted under section 4 has been lost or destroyed, such officer may, subject to such conditions and payment of such fees as may be prescribed, issue to the holder of the licence a duplicate thereof, and all the provisions of this Act with respect to the licence so lost or destroyed shall apply to the duplicate as if it were the original licence.

8. Inspection of bulls.- The Licencing Officer may by notice served in the prescribed manner require any person keeping a bull to submit it for ~~xxx~~ inspection at any reasonable time by himself or by any officer deputed by him for the purpose, either at the place where the bull is kept for the time being or at any other reasonable place specified in the order, and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all reasonable assistance in connection with such inspection to the Officer concerned.

9. Power to order castration of bulls.- (1) The Licencing Officer may, by notice served in the prescribed manner, require any person keeping a bull which has attained the prescribed age and in respect of which no licence is for the time being in force under this Act, to have it effectively castrated within one month from the date of service of the notice, by a method and in a manner approved by the Director and specified in the order.

(2) Such castration shall be performed or caused to be performed by the Licencing Officer free of charge, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the notice.

10. Production of licence.- It shall be the duty of any person who for the time being keeps a bull in respect of which a licence has been obtained and is in force, to produce such licence:-

(a) within a reasonable time, at any place where the bull is for the time being, on demand made by a Licencing Officer or any other Officer authorised in this behalf by the Director;

(b) before a cow is served by the bull, on demand made by the person in charge of the cow.

11. Penalties.- Whoever -

(a) keeps a bull, in contravention of the provisions of this Act or of any rule or order made thereunder, or of any terms, conditions or restrictions of a licence; or

(b) neglects or fails to submit a bull for inspection when required to do so under section 8; or

(c) neglects or fails to comply with a notice served under section 9; ~~xx~~ or

(d) neglects or fails to produce a licence when required to do so under section 10;

shall be punishable with fine which may extend to fifty rupees and in case of a second or ~~xxxxxxxxxx~~ any subsequent offence, with fine which may extend to one hundred rupees.

[illegible] Licencing Officer to castrate bulls.-
(1) If a person who keeps a bull neglects or fails to have it castrated when required to do so under section 9, the Licencing Officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(2) (a) If it is not known in whose ownership, possession or custody a bull is for the time being, and the fact cannot be ascertained after an enquiry in the prescribed manner, the Licencing Officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the prescribed age and is unsuitable for breeding purposes on any of the grounds speciried in sub-section (1) of section 5, may direct that the bull be castrated by a method and in a manner, free of charge.

(b) Every bull seized under clause (a) shall, after it has been castrated and marked as aforesaid where necessary, be sold by public auction or sent to a pinjrapole or infirmary, recognised by the State Government in this behalf.

(c) In case the owner of any bull seized under clause (a) appears before the Licencing Officer within such time as may be prescribed in this behalf and proves to the satisfaction of such Officer that the bull is owned by him,-

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull and determined in the prescribed manner; and

(ii) in any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance, and determined in the prescribed manner.

13. Power of Licencing Officer, etc., to inspect or mark bulls and to enter premises.- For the purposes of this Act, a Licencing Officer or any officer authorised by the Director in this behalf shall have power at all reasonable times -

a) to inspect any bull;
b) to mark any bull with a prescribed mark in the prescribed manner; and
c) subject to such conditions and restrictions, if any, as may be prescribed to enter any premises or other place where he has reason to believe that a bull is kept.

14. Duty of officers to report offences.- It shall be the duty of all village officers and servants and of all officers of the departments of Animal Husbandry, Agriculture and Revenue,

a) to give immediate information which may come to their knowledge of the commission of any offence or any attempt or preparation to commit any offence, punishable under this Act, to the nearest Licencing Officer;

(b) to take all reasonable measures in their power to prevent the commission of any such offence which they know or have reason to believe is about or likely to be committed; and

c) to assist any Licencing Officer in carrying out the provisions of this Act.

15. Cognizance of offences.- No Magistrate shall take cognizance of any offence under this Act, except upon a complaint made by a Licencing Officer or any person authorised by such officer in this behalf.

16. Officers to be public servants.- The Director every Licencing Officer, all Officers and persons authorised by the Director or the Licencing Officer under this Act, and all village officers and servants shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code 1860 -(Central Act XLV of 1860).

17. Bar of certain proceedings.- (1) No prosecution or other proceeding shall lie against any Officer or servant of the State Government for any act done or purporting to be done under this Act without the previous sanction of the State Government.

(2) No Officer or servant of the State Government shall be liable in respect of any such act in any Civil or Criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

18. Limitation for certain suits and prosecutions.- No suit shall be instituted against the State Government and no suit, prosecution or other proceedings shall be instituted against any Officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

19. Power to make rules.- (1) The State Government may, after previous publication, and by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for -

a) all matters expressly required or allowed by this Act to be prescribed;

b) the fees which may be charged for the grant of duplicates of licences and the conditions, restriction and limitations subject to which they may be granted;

c) the powers to be exercised and the duties to be performed by Officers appointed under this Act, and the procedure of such officers; and

d) the service of notices and orders issued under this Act.

3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees.

4) All rule made under this section shall be laid as soon as may be after they are made or issued before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions, and if before the expiry of the said period either House of the State Legislature makes any modification in

in the rules or notifications or directs that any rule or notification shall not have effect and if the modification or direction is agreed to by the other House, the rules or notifications as the case may be shall thereafter have effect only in such modified form or be of no effect as the case may be.

20. Bull dedicated to a religious purpose.- (1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith for a religous purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribe manner to the Licencing Officer.

(2) If the Licensing Officer is of opinion that any such bull, as is referred to in sub-section (1) is of the description set out in sub-clause (a), or sub-clause (b), or sub-clause (c) of sub-section (1) of section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Director.

21. Repeal.- The Mysore Live-Stock Improvement Act, 1951, as in force in Mysore Area, the Bombay Live-Stock Improvement Act, 1933, as in force in Bombay Area, the Madras Live-Stock Improvement Act, 1940, as in force in Madras Area, the Coorg Live-Stock Improvement Act, 1950, as in force in Coorg District shall stand repealed from the date this Act comes into force in such areas:

Provided that the provisions of section 6 of the Mysore General Clauses Act, 1899, and section 24 of the said Act shall apply as if the said enactments were repealed and re-enacted.

SECRETARIAT
No. C.326/58-9
-5 FEB 1959
G.O. (COUNCIL SECTION)

AGRICULTURE & FOREST DEPARTMENT
(A.H.& Fisheries Section)

DRAFT COUNCIL NOTE

Sub:- Mysore Livestock Improvement Bill 1958.

--:--

Since different Acts are in force in the various integrating areas of the State in respect of Cattle improvement, a uniform legislation for the whole State was considered necessary and accordingly a draft bill is prepared in consultation with the Law Depaftment. The Bill provides for obtaining licenses to keep bulls which have attained the prescribed age and for castration of scrub bulls.

(2) The Bill has no financial commitments.

(3) Orders of the Council are solicited for the introduction of the Bill 'The Mysore Livestock Improvement Bill 1958' in the Legislative Assembly.

Secretary to the Government,
Agriculture and Forest Department.

... for the improvement of li
the State of Mysore.

WHEREAS
~~Whereas~~ it is expedient to provide for the
of live-stock in the State of Mysore;

Be it enacted by the Mysore State Legislatu
he Ninth Year of the Republic of India as follow

1. Short Title, Extent and Commencement:- (
ct may be called the Mysore Livestock Improvemen
958;

(2) It extends to the whole of the State o

(3) It shall come into force on such date a
ch areas as the State Government may, by notifica
ecify.

2. Definitions.- In this Act, unless the c
herwise requires:-

(a) "bull includes a buffalo bull;

(b) "cow" includes a buffalo cow and heifer;

(c) "Director" means the Officer appointed by
te Government as the Director of Animal Husbanda
ernary Services in Mysore, and includes any othe
whom the powers or duties of the Director under t
been conferred or imposed under section 3;

(d) "licence" means a licence granted under se

(e) "Licencing Officer" means the Director or
other Officer authorised to grant licence
section 4;

(f) "notification" means notification publishe
the official Gazette;

(g) "prescribed" means prescribed by rules ma
under this Act;

(h) a person is said to "keep a bull" if he c
the bull or has the bull in his possessio
or custody; and

(i) a bull is said to be "castrated" if it is
rendered incapable of propagating its

3. Conferment of powers and duties of the Director.- The State Government may, by notification, confer or impose on any person all or any of the powers or duties of the Director under this Act.

4. Bulls which have attained a certain age to be licenced:- (1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under this section.

Explanation:- wherea person keeps more than one bull he shall obtain a separate licence in respect of each bull.

(2) Every licence under this section shall be granted by the Director or any Officer not below the rank of a Veterinary Inspector authorised by the Director by general or special order. It shall be in such form, for such period, and subject to such terms conditions and restrictions as may be prescribed:

Provided that no fee shall be charged for the grant of the licence.

5. Refusal and revocation of licences.- (1) Subject to such rules as may be prescribed, the Licen Officer may refuse to grant or may revoke a licence in respect of any bull, if in his opinion the bull appears to be -

(a) of defective or inferior conformation and consequently, likely to beget defective or inferior progeny, or

(b) suffering from an incurable, contagious or infectious disease or from any other disease renderin the bull unsuitable for breeding purpose, or

(c) of a breed which is undesirable in public interests to propagate in the district or part of the district in which it is kept;

(2) The Licencing Officer may also after giving ~~also~~ a reasonable opportunity to the ~~prescribed~~ revoke a licence granted in respect of any bull kept within his jurisdicti (whether such licence was granted by himself or by any other Officer) if in his opinion -

(a) the licence was granted under circumstances, which, if the Licencing Officer was aware at the time of granting the licence, he would not have granted it; or

(b) there has been a breach of any of the terms, conditions or restrictions of the licence;

(3) If a licence is revoked under this section, th Officer revoking the licence shall give notice thereof to the person keeping the bull or to the person stated in the licence to be the owner of the bull. The notic shall set out the grounds for the revocation.

(4) Against an order either refusing to grant or revoking a licence under sub-section (1) or sub-section (2) an appeal shall lie within thirty days of the nication of such order -

(i) to the State Government, if the order is of the Director;

(ii) to the Director, in other cases,

The order in appeal shall be final.

6. Surrender of licence.- A licence granted in respect of a bull shall be surrendered without delay to the Licencing Officer, if -

(a) the period specified in the licence expires,

(b) the licence is revoked under this Act, or

(c) the bull dies or is certified by the prescrib officer to have been effectively castrated by a method and in a manner approved by the Director.

7. Grant of duplicate licence.- If the Licencing Officer is satisfied that the licence granted under section 4 has been lost or destroyed, such officer may, subject to such conditions and payment of such fees

as may be prescribed, issue to the holder of the licence a duplicate thereof, and all the provisions of this Act with respect to the licence so lost or destroyed shall apply to the duplicate as if it were the original licenc

8. Inspection of bulls.- The Licencing Officer ma by notice served in the prescribed manner require any person keeping a bull to submit it for inspection at any reasonable time by himself or by any officer deputed by him for the purpose, either at the place where the bull kept for the time being or at any other reasonable place specified in the order, and thereupon it shall be the du of the person keeping the bull to submit it for inspecti accordingly, and render all reasonable assistance in connection with such inspection to the Officer concerned

9. Power to order castration of bulls.- (1) The Licencing Officer may, by notice served in the prescribe manner, require any person keeping a bull which has attained the prescribed age and in respect of which no licence is for the time being in force under this Act, to have it effectively castrated within one month from t date of service of the notice, by a method and in a mann approved by the Director and specified in the order.

(2) Such castration shall be performed or caused to be preformed by the Licencing Officer free of charge, unless the owner or other person keeping the bull desire to make his own arrangements for complying with the noti

10. Production of licence:- It shall the duty of any person who for the time being keeps a bull in respect of which a licence has been obtained and is in orce, to produce such licence:-

(a) within a reasonable time, at any place where t ull is for the time being, on demand made by a Licencin fficer or any other Officer authorised in this behalf b

ehalf by the Director;

(b) before a cow is served by the bull, on demand made y the person in charge of the cow.

11. Penalties.- Whoever -

(a) keeps a bull, in contravention of the provisions f this Act or of any rule or order made thereunder, or of ny terms, conditions or restrictions of a licence; or

(b) neglects or fails to submit a bull for inspection hen required to do so under section 8; or

(c) neglects or fails to comply with a notice served nder section 9; or

(d) neglects or fails to produce a licence when equired to do so under section 10; shall be punishable ith fine which may extend to fifty rupees and in case of second or any subsequent offence, with fine which may xtend to one hundred rupees.

12. Power of Licencing Officer to castrate bulls.- (1 f a person who keeps a bull neglects or fails to have it astrated when required to do so under section 9, the icencing Officer may direct that the bull shall be astrated by a method and in a manner approved by the irector and marked with a prescribed mark in the prescrib anner, free of charge.

(2) (a) If it is not known in whose ownership, ossession or custody a bull is for the time being, and he fact cannot be ascertained after an enquiry in the rescribed manner, the Licencing Officer may seize the ull or cause it to be seized, and if he is of opinion tha he bull has attained the prescribed age and is unsuitable or breeding purposes on any of the grounds specified in ub-section (1) of section 5, may direct that the bull be astrated by a method and in a manner, free of charge;

(b) Every bull seized under clause (a) shall, af it has been castrated and marked as aforesaid where necessary, be sold by public auction or sent to a pinjrapole or infirmary, recognised by the State Gove in this behalf;

(c) In case the owner of any bull seized under clause (a) appears before the Licencing Officer withi such time as may be prescribed in this behalf and pro to the satisfaction of such Officer that the bull is by him,-

(i) in case the bull has been sold by public au the proceeds of such sale shall be paid to owner after deducting therefrom the costs, charges and expenses incurred for the maint and exp sale of the bull and determined in prescribed manner; and

ii) in any other case, the bull shall be deliv to the owner on payment of the coats, char and expenses incurred for its maintenance, determined in the prescribed manner.

13. Power of Licencing Officer, etc. to inspect mark bulls and to enter premises.- For the purposes Act, a Licencing Officer or any officer authorised by Director in this behalf shall have power at all reaso times -

a) to inspect any bull;

b) to mark any bull with a prescribed mark in prescribed manner; and

c) subject to such conditions and restrictions any, as may be prescribed to enter any premises or ot place where he has reason to believe that a bull is k

14. Duty of Officers to report offences.- It s be the duty of all village officers and servants and officers of the departments of Animal Husbandry, Agri and Revenue, to

a) to give immediate information which may co their knowledge of the commission of any offence or a

any attempt or preparation to commit any offence, punishable under this Act, to the nearest Licencing Officer;

b) to take all reasonable measures in their power to prevent the commission of any such offence which they know or have reason to believe is about or likely to be committed; and

c) to assist any Licencing Officer in carrying ou the provisions of this Act.

15. Cognizance of offences.- No Magistrate shal take congnizance of any offence under this Act, except upon a complaint made by a Licencing Officer or any person authorised by such officer in this behalf.

16. Officers to be public servants.- The Directo every Licencing Officer, all Officers and persons authorised by the Director or the Licencing Officer u this Act, and all village officers and servants shall leemed to be public servants within the meaning of se 21 of the Indian Penal Code (Central Act XLV of 1860).

17. Bar of certain proceedings.- (1) No prosec or other proceeding shall lie against any Officer or servant of the State Government for any act done or purporting to be done under this Act without the previ sanction of the State Government.

(2) No Officer or servant of the State Governme shall be liable in respect of any such act in any Civ or Criminal Proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

18. Limitation for certain suits and prosecut No suit shall be instituted against the State Governm and no suit, prosectuion or other proceedings shall l

shall be instituted against any Officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other preceeding is institute within six months from the date of the act complained of.

19. Power to make rules.- (1) The State Gover ay, after previous publication, and by notificati ake rules to carry out the purposes of this Act.

(2) In particular and without prejudice to t enerality of the foregoing power, such rules may rovide for -

a) all matters expressly required or allowe y this Act to be prescribed;

b) the fees which may be charged for the gr f duplicates of licences and the conditions, rest nd limitations subject to which they may be grant

c) the powers to be exercised and the duties e performed by Officers appointed under this Act, ne procedure of such officers; and

d) the service of notices and orders issued nis Act.

3) In making a rule under sub-section (1) or ıb-section (2), the State Government may provide person guilty of a breach thereof shall be punis: ith fine which may extend to fifty rupees.

4) All rule made under this section shall be ıid as soon as may be after they are made or issu efore each House of the State Legislature while i in session for a total period of thirty days wh: y be comprised in one session or in two or more

either House of the State Legislature makes any modification in the rules or notifications or directs tha any rule or notification shall not have effect and if the modification or direction is agreed to by the other House the rules or notifications as the case may be shall there have effect only in such modified form or be of no effect as the case may be.

20. Bull dedicated to a religious purpose.- (1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith for a religious purpose in accordance with any religious usage custom, provided that notice of the dedication is given i the prescribed manner to the Licencing Officer.

(2) If the Licensing Officer is of opinion that any such bull, as is referred to in sub-section (1) is of the description set out in sub-clause (a), or sub-clause (b), or sub-clause (c) of sub-section (1) of section 5, the ma cause such bull to be effectively castrated by a method and in a manner approved by the Director.

21. Repeal.- The Mysore Live-Stock Improvement Act, 1951, as in force in Mysore area, the Bombay Live-stock Improvement Act, 1933, as in force in Bombay area, the Madras Live-stock Improvement Act, 1940, as in force in Madras Area, the Coorg Live-stock Improvement Act, 1950, a in force in Coorg District, shall stand repealed from the date this Act comes into force in such areas:

Provided that the provisions of section 6 of the Mys General Clauses Act, 1899, and section 24 of the said Act shall apply as if the said enactments were repealed and re-enacted.

THE LIVE-STOCK IMPROVEMENT BILL.

A Bill to provide for the improvement of live-stock in the State of Mysore.

WHEREAS it is expedient to provide for the improvement of live-stock in the State of Mysore;

Be it enacted in the Ninth year of the Republic of India by the Mysore State Legislature as follows:-

Short Title, Extent and Commencement.

1. (1) This Act may be called the Mysore Live-stock Improvement Act of 1958;

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date and in such areas as the State Government may by notification specify.

Definitions.

2. In this Act, unless the context otherwise requires:-

(a) "bull" includes a buffalo bull;

(b) cow includes a buffalo cow and heifer;

(c) "Director" means the Officer appointed by the State Government as the Director of Animal Husbandry Services in Mysore, and includes any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under section 3;

(d) "licence" means a licence granted under section 4;

(e) "Licencing Officer" means the Director or any other officer authorised to grant licences under section 4;

(f) "notification" means notification published in the official Gazette;

(g) "prescribed" means prescribed by rules made under this Act;

(h) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody; and

(i) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

Conferment of powers or duties of the Director.

3. The State Government may, by notification, confer or impose on any person all or any of the powers or duties of the Director under this Act.

Bulls which have attained a certain age to be licenced.

4. (1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under this section.

Explanation:- Where a person keeps more than one bull he shall obtain a separate licence in respect of each bull.

(2) Every licence under this section shall be granted by the Director or any Officer not below the rank of a Veterinary Inspector authorised by the Director by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed:

Provided that no fee shall be charged for the grant of the licence.

Refusal and revocation of licences.

5. (1) Subject to such rules as may be prescribed, the Licencing Officer may refuse to grant or may revoke a licence in respect of any bull, if in his opinion the bull appears to be--

(a) of defective or inferior conformation and consequently, likely to beget defective or inferior progeny, or

(b) suffering from an incurable, contagious or injections disease or from any other disease rendering the bull unsuitable for breeding purpose, or

(c) of a breed which is undersirable in public interests to propagate in the district or part of the district in which it is kept;

(2) The Licencing Officer may also revoke a licence granted in respect of any bull kept within his jurisdiction (whether such licence was granted by himself or by any other Officer) if in his opinion--

(a) the licence was granted under circumstances, which, if the Licencing Officer was aware at the time of granting the licence, he would not have granted it; or

(b) there has been a breach of any of the terms, conditions or restrictions of the lieence;

(3) If a licence is revoked under this section, the Officer revoking the licence shall give notice thereof to the person keeping the bull or to the person stated in the licence to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) Against an order either refusing to grant or revoking a licence under sub-section (1) or sub-section (2) an appeal shall lie within thirty days of the communication of such order--

(i) to the State Government if the order is of the Director,

(ii) to the Director in other cases.

The order in appeal shall be final.

Surrender of licence.

6. A licence granted in respect of a bull shall be surrendered without delay to the Licencing Officer, if--

(a) the period specified in the licence expires, or

(b) the licence is revoked under this Act, or

(c) the bull dies or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

Grant of duplicate licence.

7. . If the Licencing Officer is satisfied that the licence granted under section 4 has been lost or destroyed, such officer may, subject to such conditions and payment of such fees, as may be prescribed, issue to the holder of the licence a duplicate thereof, and all the provisions of this

ıis Act with respect to the licence so lost or ɜstroyed shall apply to the duplicate as if it ɜre the original licence.

Inspection of bulls.

8. The Licencing Officer may by notice ɜrved in the prescribed manner require any person ɜeping a bull to submit it for inspection at any ɜasonable time by himself or by any officer deputed ʳ him for the purpose, either at the place where ıe bull is kept for the time being or at any other ɜasonable place specified in the order, and thereɔon it shall be the duty of the person keeping ıe bull to submit it for inspection accordingly, ıd render all reasonable assistance in connection ıth such inspection to the officer concerned.

Power to order castration of bulls.

9. (1) The Licencing Officer may, by notice ɜrved in the prescribed manner, require any person ɜeping a bull *** which has attained the prescribed age and in respect of which no licence ; for the time being in force under this Act, to ıve it effectively castrated within one month from the date ʳ service of the notice, by a method and in a ınner approved by the Director and specified in ıe order.

(2) Such castration shall be performed or ıused to be performed by the Licencing Officer ·ee of charge, unless the owner or other person ɜeping the bull desires to make his own arrangeınts for complying with the notice.

Production of licence.

10. It shall the duty of any person who for the time being keeps a bull in respect of which a licence has been obtained and is in force, to produce such licence:-

a) within a reasonable time, at any place where the bull is for the time being, on demand made by a Licencing Officer or any other Officer authorised in this behalf by the Director;

(b) before a cow is served by the bull, on demand made by the person in charge of the cow.

~~11.~~ Penalties.

11. Whoever--

a) keeps a bull, in contravention of the provisions of this Act or of any rule or order made thereunder,or of any terms, conditions or restrictions of a licence; or

b) neglects or fails to submit a bull for inspection when required to do so under section 8; or

c) neglects or fails to comply with a notice served under section 9; or

d) neglects or fails to produce a licence when required to do so under section 10;

shall be punishable with fine which may extend to fifty rupees and in case of a second or any subsequent offence, with fine which may extend to one hundred rupees.

Power of Licencing Officer to castrate bulls.

12. (1) If a person who keeps a bull neglects or fails to have it castrated when required to do so under section 9, the Licencing Officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(2) (a) If it is not known in whose ownership, possession or custody a bull is for the time being, and the fact cannot be ascertained after an enquiry in the prescribed manner, the Licencing Officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the prescribed age and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5, may direct that the bull be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge;

(b) Every bull seized under clause (a) shall, after it has been castrated and marked as aforesaid where necessary, be sold by public auction or sent to a panjrapole or infirmary, recognised by the State Government in this behalf;

(c) In case the owner of any bull seized under clause (a) appears before the Licencing Officer within such time as may be prescribed in this behalf and proves

proves to the satisfaction of such Officer that the bull is owned by him;-

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull and determined in the prescribed manner; and

(ii) in any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance, and determined in the prescribed manner.

Power of Licencing Officer, &c. to inspect or mark bulls and to enter premises.

13. For the purposes of this Act, a Licencing ficer or any officer authorised by the Director this behalf shall have power at all reasonable mes--

a) to inspect any bull;

b) to mark any bull with a prescribed mark in the prescribed manner; and

c) subject to such conditions and restrictions, if any, as may be prescribed to enter any premises or other place where he has reason to believe that bull is kept.

Duty of Officers to report offences.

14. It shall be the duty of all village ficers and servants and of all officers of the Animal Husbandry, the Agricultural d the Revenue Departments, to

a) to give immediate information which may come to their knowledge of the commission of any offence or any attempt or preparation to commit any offence, punishable under this Act, to the nearest Licencing Officer;

b) to take all reasonable measures in their power to prevent the commission of any such offence which they know or have reason to believe is about or likely to be committed; ar

c) to assist any Licencing Officer in carrying out the provisions of this Act.

Cognizance of offences.

15. No Magistrate shall take cognizance of any offence under this Act, except upon a complaint made by a Licencing Officer or any person authorised by such officer in this behalf.

Officer to be public servants.

16. The Director, every Licencing Officer, all Officers and persons authorised by the Directoı or the Licencing Officer under this Act, and all village officers and servants shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

Bar of certain proceedings.

17. (1) No prosecution or other proceeding shall lie against any Officer or servant of the State Government for any act done or purporting to be done under this Act without the previous sanction of the State Government;

(2) No Officer or servant of the State Government shall be liable in respect of any such act in any Civil or Criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

Limitation for certain suits and prosecutions

18. No suit shall be instituted against the State Government and no suit, prosecution or other proceedings shall be instituted against any Officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

~~20. Revision.~~

Power to make rules.

19. (1) The State Government may, after previous publication and by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for--

a) all matters expressly required or allowed by this Act to be prescribed;

b) the fees which may be charged for the grant of ~~licences~~ duplicates of licences and the conditions, restrictions and limitations subject to which they may be granted;

c) the powers to be exercised and the duties to be performed by Officers appointed under this Act, and the procedure of such officers; and

d) the service of notices and orders issued under this Act.

3) n making a rule under sub-section (1) or sub-section (2), the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees.

4) All rules made under ~~this~~ This section ~~and notifications made under section ...~~ shall be laid as soon as may be after they are made or issued before ~~the~~ each House of the ~~said~~ State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions, and if before the ~~x~~ expiry of the said period either House of the State Legislature makes any modification in the rules or notifications or directs that any rule or notification shall not have effect and if the modification or direction is agreed to by the other House, the rules or notifications as the case may be shall thereafter have effect only in such modified form or ~~by~~ be of no effect as the case may be.

S a v i n g.

21. (1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith to a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner to the Licencing Officer.

(2) If the Licensing Officer is of opinion that any such bull, as is referred to in sub-section (1) is of the description set out in sub-clause (a), or sub-clause (b), or sub-clause (c) of sub-section (1) of section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Director ~~or cause such bull to be removed to a prescribed~~

~~to be effectively castrated by a method and in a manner approved by the Director~~ or cause such bull to be removed to a prescribed place.

Repeal.

23. The Mysore Live-stock Improvement Act, 1951, in force in Mysore area, the Bombay Live-stock Improvement Act, 1933, as in force in Bombay area, the Madras Live-stock Improvement Act, 1940, as in force in Madras area, the Coorg Live-stock Improvement Act, 1950, as in force in Coorg District, shall stand repealed from the date this Act comes into force in such areas:

Provided that the provisions of section 6 of the Mysore General Clauses Act, 1899, and section 24 of the said Act shall apply as if the said enactment was repealed and re-enacted.

Issued NB 14/3

GOVERNMENT OF MYSORE

LAW 12 LGN 58 / Feb 3

Mysore Government Secretariat,
VIDHANA SOUDHA,

Dated, Bangalore,....13th Mar. *195* 9
14th

The *Secretary to the Government of Mysore,*
Law Department.

The Secretary,
Mysore Legislative Council,
Bangalore.

Subject:- The Mysore Live-Stock Improvement Bill, 1959.

Sir,

I am directed to forward herewith three copies of the Mysore Live-Stock Improvement Bill, 1959, to be introduced in the Mysore Legislative Council during the current session and to request that the Chairman may kindly be moved under Rule 51 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Council to order the publication of the Bill with the Statement of Objects and Reasons in the Mysore Gazette to enable the Members to study the Bill and send amendments, if any, in advance.

Yours faithfully,

(R.P. Vasudeo)
Secretary to Government,
Law Department.

Copy to:

1. Secretary to Government, Agriculture and Forest Department
2. The Cabinet Section, General Administration Department.

GOVERNMENT OF MYSORE

28

No. LAW112LGN58 | Exh 3.

Mysore Government Secretariat,
VIDHANA SOUDHA,

Dated, Bangalore, 13th Mar 1959
14

FROM

The Secretary to the Government of Mysore,
Law Department.

To

The Secretary,
Mysore Legislative Council,
Bangalore.

Subject:- The Mysore Live-Stock Improvement Bill, 1959.

Sir,

I am directed to forward herewith three copies of the Mysore Live-Stock Improvement Bill, 1959, to be introduced in the Mysore Legislative Council during the current session and to request that the Chairman may kindly be moved under Rule 51 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Council to order the publication of the Bill with the Statement of Objects and Reasons in the Mysore Gazette to enable the members to study the Bill and send amendments if any, in advance.

Yours faithfully,

R.P. Vasudeo

(R.P. Vasudeo)
Secretary to Government,
Law Department.

Copy to:

1. Secretary to Government, Agriculture and Forest Department
2. The Cabinet Section, General Administration Department.

THE MYSORE LIVE-STOCK IMPROVEMENT BILL, 1959.

PREAMBLE.

Clauses.

1. Short title, extent and commencement.
2. Definitions.
3. Conferment of powers or duties of the Director.
4. Bulls which have attained a certain age to be licensed.
5. Refusal and revocation of licences.
6. Surrender of licence.
7. Grant of duplicate licence.
8. Inspection of bulls.
9. Power to order castration of bulls.
10. Production of licence.
11. Penalties.
12. Power of Licensing Officer to castrate bulls.
13. Power of Licensing Officer, etc., to inspect or mark bull and to enter premises.
14. Duty of Officers to report offences.
15. Cognizance of offences.
16. Officers to be public servants.
17. Bar of certain proceedings.
18. Limitation for certain suits and prosecutions.
19. Power to make rules.
20. Bull dedicated to a religious purpose.
21. Repeal and saving.

THE MYSORE LIVE-STOCK IMPROVEMENT BILL, 1959.

A Bill to provide for the improvement of live-stock in the State of Mysore.

WHEREAS it is expedient to provide for the improvement of live-stock in the State of Mysore ;

BE it enacted by the Mysore State Legislature in the Tenth Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Mysore Live-stock Improvement Act, 1959.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once in the areas in which any of the enactments repealed by section 21 is in force, and shall come into force in any other area on such date as the State Government may, by notification, specify.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(*a*) "bull" includes a buffalo bull;

(*b*) "cow" includes a buffalo cow and heifer;

(*c*) "Director" means the officer appointed by the State Government as the Director of Animal Husbandry and Veterinary Services in Mysore, and includes any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under section 3;

(*d*) "licence" means a licence granted under section 4;

(*e*) "Licensing Officer" means the Director or any other officer authorised to grant licences under section 4;

(*f*) "notification" means notification published in the official Gazette;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody;

(*i*) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

3. **Conferment of powers or duties of the Director.**—The State Government may, by notification, confer or impose on any person all or any of the powers or duties of the Director under this Act.

4. Bulls which have attained a certain age to be licensed.—(1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under this section.

Explanation:—Where a person keeps more than one bull he shall obtain a separate licence in respect of each bull.

(2) Every licence under this section shall be granted by the Director or any officer not below the rank of a Veterinary Inspector authorised by the Director by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed:

Provided that no fee shall be charged for the grant of the licence.

5. Refusal and revocation of licences.—(1) Subject to such rules as may be prescribed, the Licensing Officer may refuse to grant or may revoke a licence in respect of any bull, if in his opinion the bull appears to be—

(*a*) of defective or inferior conformation and consequently likely to beget defective or inferior progeny, or

(*b*) suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purpose, or

(*c*) of a breed which is undesirable in public interest to propagate in the district or part of the district in which it is kept.

(2) The Licensing Officer may also after giving a reasonable opportunity to the person concerned revoke a licence granted in respect of any bull kept within his jurisdiction (whether such licence was granted by himself or by any other officer) if in his opinion—

(*a*) the licence was granted under circumstances, which, if the Licensing Officer was aware at the time of granting the licence, he would not have granted it; or

(*b*) there has been a breach of any of the terms, conditions or restrictions of the licence.

(3) If a licence is revoked under this section, the officer revoking the licence shall give notice thereof to the person keeping the bull or to the person stated in the licence to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) Against an order either refusing to grant or revoking a licence under sub-section (1) or sub-section (2) an appeal shall lie within thirty days of the communication of such order—

(i) to the State Government, if the order is that of the Director,

(ii) to the Director, in other cases.

The order in appeal shall be final.

Surrender of licence.—A licence granted in respect of a bull shall be surrendered without delay to the Licensing Officer, if—

(*a*) the period specified in the licence expires, or

(*b*) the licence is revoked under this Act, or

(*c*) the bull dies or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

7. **Grant of duplicate licence.**—If the Licensing Officer is satisfied that the licence granted under section 4 has been lost or destroyed, such officer may, subject to such conditions and payment of such fees, as may be prescribed, issue to the holder of the licence a duplicate thereof, and all the provisions of this Act with respect to the licence so lost or destroyed shall apply to the duplicate as if it were the original licence.

8. **Inspection of bulls.**—The Licensing Officer may by notice served in the prescribed manner require any person keeping a bull to submit it for inspection at any reasonable time by himself or by any officer deputed by him for the purpose, either at the place where the bull is kept for the time being or at any other reasonable place specified in the order, and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all reasonable assistance in connection with such inspection to the officer concerned.

9. **Power to order castration of bulls.**—(1) The Licensing Officer may, by notice served in the prescribed manner, require any person keeping a bull which has attained the prescribed age and in respect of which no licence is for the time being in force under this Act, to have it effectively castrated within one month from the date of service of the notice, by a method and in a manner approved by the Director and specified in the order.

(2) Such castration shall be performed or caused to be performed by the Licensing Officer free of charge, unless the owner or other

person keeping the bull desires to make his own arrangements for complying with the notice.

10. Production of licence.—It shall be the duty of any person who for the time being keeps a bull in respect of which a licence has been obtained and is in force, to produce such licence—

(*a*) within a reasonable time, at any place where the bull is for the time being, on demand made by a Licensing Officer or any other officer authorised in this behalf by the Director;

(*b*) before a cow is served by the bull, on demand made by the person in charge of the cow.

11. Penalties.—Whoever—

(*a*) keeps a bull, in contravention of the provisions of this Act or of any rule or order made thereunder, or of any terms, conditions or restrictions of a licence; or

(*b*) neglects or fails to submit a bull for inspection when required to do so under section 8; or

(*c*) neglects or fails to comply with a notice served under section 9; or

(*d*) neglects or fails to produce a licence when required to do so under section 10;

shall be punishable with fine which may extend to fifty rupees and in case of a second or any subsequent offence, with fine which may extend to one hundred rupees.

12. Power of Licensing Officer to castrate bulls.—(1) If a person who keeps a bull neglects or fails to have it castrated when required to do so under section 9, the Licensing Officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free or charge.

(2) (*a*) If it is not known in whose ownership, possession or custody a bull is for the time being, and the fact cannot be ascertained after an enquiry in the prescribed manner, the Licensing Officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the prescribed age and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5, may direct that the bull be castrated by a method and in a manner, approved by the Director and marked with prescribed mark in the prescribed manner free of charge.

(*b*) Every bull seized under clause (*a*) shall, after it has been castrated and marked as aforesaid where necessary, be sold by public

auction or sent to a pinjrapole or infirmary, recognised by the State Government in this behalf.

(c) In case the owner of any bull seized under clause (a) appears before the Licensing Officer within such time as may be prescribed in this behalf and proves to the satisfaction of such Officer that the bull is owned by him—

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull and determined in the prescribed manner ; and

(ii) in any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance, and determined in the prescribed manner.

13. Power of Licensing Officer, etc, to inspect or mark bull and to enter premises.—For the purposes of this Act, a Licensing Officer or any officer authorised by the Director in this behalf shall have power at all reasonable times—

(a) to inspect any bull ;

(b) to mark any bull with a prescribed mark in the prescribed manner ; and

(c) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept.

14. Duty of Officers to report offences.—It shall be the duty of all village officers and servants and of all officers of the Animal Husbandry, Agriculture and Revenue Departments ;—

(a) to give immediate information which may come to their knowledge of the commission of any offence or any attempt or preparation to commit any offence, punishable under this Act, to the nearest Licensing Officer ;

(b) to take all reasonable measures in their power to prevent the commission of any such offence which they know or have reason to believe is about or likely to be committed ; and

(c) to assist any Licensing Officer in carrying out the provisions of this Act.

15. Cognizance of offence.—No Magistrate shall take cognizance of any offence under this Act, except upon a complaint made by a Licensing Officer or any person authorised by such officer in this behalf.

16. Officers to be public servants.—The Director, every Licensing Officer, all officers and persons authorised by the Director or the Licensing Officer under this Act, and all village officers and servants shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860).

17. Bar of certain proceedings.—(1) No prosecution or other proceeding shall lie against any officer or servant of the State Government for any act done or purporting to be done under this Act without the previous sanction of the State Government.

(2) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

18. Limitation for certain suits and prosecutions.—No suit shall be instituted against the State Government and no suit, prosecution or other proceedings shall be instituted against any officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

19. Power to make rules.—(1) The State Government may, after previous publication, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed;

(*b*) the fees which may be charged for the grant of duplicates of licences and the conditions, restrictions and limitations subject to which they may be granted;

(*c*) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure to be followed by such officers;

(*d*) the service of notices and orders issued under this Act.

(3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees.

(4) All rules made under this section shall be laid as soon as may be after they are made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions, and if before the expiry of the said period either House of the State Legislature makes any modification in any rule or directs that any rule shall not have effect and if the modification or direction is agreed to by the other House, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be.

20. Bull dedicated to a religious purpose.—(1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith for a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner to the Licensing Officer.

(2) If the Licensing Officer is of opinion that any such bull, as is referred to in sub-section (1) is of the description set out in sub-clause (*a*), or (*b*) or (*c*) of sub-section (1) of section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Director.

21. Repeal and savings.—The Mysore Live-Stock Improvement Act, 1951, (Mysore Act XIX of 1951) as in force in Mysore Area, the Bombay Live-Stock Improvement Act, 1933, (Bombay Act XXII of 1934) as in force in Bombay Area, the Madras Live-Stock Improvement Act, 1940), (Madras Act XV of 1940) as in force in Madras Area, the Coorg Live-Stock Improvement Act, 1950, (Coorg Act III of 1950) as in force in Coorg District, are hereby repealed:

Provided that the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act III of 1899, and section 24 of the said Act shall apply as if the said enactments had been repealed and re-enacted by a Mysore Act.

Statement of Objects and Reasons.

At present in the different areas of the State, tbe enactments noted below are in force, providing for measures to be taken for the improvement of livestock in the State—

1. The Mysore Livestock Imrovement Act, 1951.
2. The Coor Livestock Improvement Act, 1950.
3. The Bombay Livestock Improvement Act, 1953.
4. The Madras Livestock Improvement Act, 1940.

With a view to have a single uniform Act applicable to the ent new State this Bill has been placed before the Legislature.

The Bill provides for obtaining licenses to keep bulls which ha attained the prescribed age and for castraion of scrub bulls.

Bill Introduced on

Registered No. M. 1175

The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

PART IV—2-A.

BANGALORE, THURSDAY, 19, MARCH, 1959
(PHALGUNA 28, SAKA ERA 1880)

No. 20

MYSORE LEGISLATIVE COUNCIL

NOTIFICATION.

No. 3199—L.C., dated Bangalore-1, 18th March 1959.

Under Rule 51 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Council, the Chairman has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Live-stock Improvement Bill, 1959**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

OFFICE OF THE MINISTER FOR AGRICULTURE
No. 1784
21 MAY 1
BANGALORE

THE MYSORE LIVE-STOCK IMPROVEMENT BILL, 195

PREAMBLE.

Clauses.

1. Short title, extent and commencement.
2. Definitions.
3. Conferment of powers or duties of the Director.
4. Bulls which have attained a certain age to be licen
5. Refusal and revocation of licences.
6. Surrender of licence.
7. Grant of duplicate lic
8. Inspection of bulls.
9. Power to order castra
10. Production of licence
11. Penalties.
12. Power of Licensing Officer to castrate bulls.
13. Power of Licensing Officer, etc., to inspect premises.
14. Duty of Officers to report offences
15. Cognizance of offences.
16. Officers to be public serva
17. Bar of certain proceedings.
18. Limitation for certain suits and prosecution
19. Power to make rules.
20. Bull dedicated to a religious purpose.
21. Repeal and savings.

THE MYSORE LIVE-STOCK IMPROVEMENT BILL, 1959

A Bill to provide for the improvement of Live-stock in the State Mysore.

WHEREAS it is expedient to provide for the improvement live-stock in the State of Mysore ;

BE it enacted by the Mysore State Legislature in the Te Year of the Republic of India as follows :—

1. Short title, extent and commencement.—(1) This Act n be called the Mysore Live-stock Improvement Act, 1959.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once in the areas in which a of the enactments repealed by section 21 is in force, and shall co into force in any other area on such date as the State Governm may, by notification, specify.

2. Definitions.—In this Act, unless the context otherw requires,—

(*a*) "bull" includes a buffalo bull ;

(*b*) "cow" includes a buffalo cow and h

(*c*) "Director" means the officer appointed by the Sta Government as the Director of Animal Husbandry and Veterina Services in Mysore, and includes any other person on whom t powers or duties of the Director under this Act have been confer or imposed under section 3 ;

(*d*) "licence" means a licence granted under section 4 ;

(*e*) "Licensing Officer" means the Director or any other offic authorised to grant licences under section 4 ;

(*f*) "notification" means notification published in the offici Gazette ;

(*g*) "prescribed" means prescribed by rules made under th Act ;

(*h*) a person is said to "keep a bull" if he owns the bull has the bull in his possession or custody ;

(*i*) a bull is said to be "castrated" if it is rendered incapab of propagating its species.

3. Conferment of powers or duties of the Director.—The Sta Government may, by notification, confer or impose on any person a or any of the powers or duties of the Director under this Act

4. Bulls which have attained a certain age to be licensed.—(1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under this section.

Explanation:—Where a person keeps more than one bull he shall obtain a separate licence in respect of each bull.

(2) Every licence under this section shall be granted by the Director or any officer not below the rank of a Veterinary Inspector authorised by the Director by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed

Provided that no fee shall be charged for the grant of the licence.

5. Refusal and revocation of licences.—(1) Subject to such rules as may be prescribed, the Licensing Officer may refuse to grant or may revoke a licence in respect of any bull, if in his opinion the bull appears to be—

(*a*) of defective or inferior conformation likely to beget defective or inferior progeny, or

(*b*) suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purpose, or

(*c*) of a breed which is undesirable in public interest to propagate in the district or part of the district in which it is kept.

(2) The Licensing Officer may also after giving a reasonable opportunity to the person concerned revoke a licence granted in respect of any bull kept within his jurisdiction (whether such licence was granted by himself or by any other officer) if in his opinion—

(*a*) the licence was granted under circumstances, which, if the Licensing Officer was aware at the time of granting the licence, he would not have granted it; or

(*b*) there has been a breach of any of the terms, conditions or restrictions of the licence.

(3) If a licence is revoked under this section, the officer revoking the licence shall give notice thereof to the person keeping the bull or to the person stated in the licence to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) Against an order either refusing to grant or revoking licence under sub-section (1) or sub-section (2) an appeal shall lie within thirty days of the communication of such order—

(i) to the State Government, if the order is that of the Directo

(ii) to the Director, in other cases.

The order in appeal shall be final.

6. Surrender of licence.—A licence granted in respect of a bull shall be surrendered without delay to the Licensing Officer, if—

(*a*) the period specified in the licence expires, or

(*b*) the licence is revoked under this Act, or

(*c*) the bull dies or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

7. Grant of duplicate licence.—If the Licensing Officer is satisfied that the licence granted under section 4 has been lost or destroyed, such officer may, subject to such conditions and payment of such fees, as may be prescribed, issue to the holder of the licence a duplicate thereof, and all the provisions of this Act with respect to the licence so lost or destroyed shall apply to the duplicate as if it were the original licence.

8. Inspection of bulls.—The Licensing Officer may by notice served in the prescribed manner require any person keeping a bull to submit it for inspection at any reasonable time by himself or by any officer deputed by him for the purpose, either at the place where the bull is kept for the time being or at any other reasonable place specified in the order, and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all reasonable assistance in connection with such inspection to the officer concerned.

9. Power to order castration of bulls.—(1) The Licensing Officer may, by notice served in the prescribed manner, require any person keeping a bull which has attained the prescribed age and in respect of which no licence is for the time being in force under this Act, to have it effectively castrated within one month from the date of service of the notice, by a method and in a manner approved by the Director and specified in the order.

(2) Such castration shall be performed or caused to be performed by the Licensing Officer free of charge, unless the owner or other

ɜrson keeping the bull desires to make his own arrangements for ɔmplying with the notice.

10. Production of licence.—It shall be the duty of any person who r the time being keeps a bull in respect of which a licence has been ɔtained and is in force, to produce such licence—

(*a*) within a reasonable time, at any place where the bull is ɔr the time being, on demand made by a Licensing Officer or any ɔher officer authorised in this behalf by the Director;

(*b*) before a cow is served by the bull, on demand made by the ɜrson in charge of the cow.

11. Penalties.—Whoever-

(*a*) keeps a bull, in contravention of the provisions of this Act of any rule or order made thereunder, or of any terms, conditions restrictions of a licence; or

(*b*) neglects or fails to submit a bull for inspection when quired to do so under section 8; or

(*c*) neglects or fails to comply with a notice served under ction 9; or

(*d*) neglects or fails to produce a licence when required to do under section 10;

ıall be punishable with fine which may extend to fifty rupees and in ɜse of a second or any subsequent offence with fine which may ɜtend to one hundred rupees.

12. Power of Licensing Officer to castrate bulls.—(1) If a person ho keeps a bull neglects or fails to have it castrated when required do so under section 9, the Licensing Officer may direct that the ıll shall be castrated by a method and in a manner approved by ɔe Director and marked with a prescribed mark in the prescribed anner, free or charge.

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(*b*) Every bull seized under clause (*a*) shall, after it has been strated and marked as aforesaid where necessary, be sold by public

auction or sent to a pinjrapole or infirmary, recognised by the State Government in this behalf.

(c) In case the owner of any bull seized under clause (a) appears before the Licensing Officer within such time as may be prescribed in this behalf and proves to the satisfaction of such Officer that the bull is owned by him—

ı case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull and determined in the prescribed manner ; and

n any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance, and determined in the prescribed manner.

13. Power of Licensing Officer, etc, to inspect or mark bull and to enter premises.—For the purposes of this Act, a Licensing Officer or any officer authorised by the Director in this behalf shall have power at all reasonable times—

(a) to inspect any bull ;

(b) to mark any bull with a prescribed mark in the prescribed manner ; and

(c) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept.

14. Duty of Officers to report offences.—It shall be the duty of all village officers and servants and of all officers of the Animal Husbandry, Agriculture and Revenue Departments,

(a) to give immediate information, which may come to heir knowledge of the commission of any offence or any attempt or reparation to commit any offence, punishable under this Act, to the ıearest Licensing Officer;

(b) to take all reasonable measures in their power to prevent he commission of any such offence which they know or have reason o believe is about or likely to be committed; and

(c) to assist any Licensing Officer in carrying out the provisions f this Act.

15. Cognizance of offence.—No Magistrate shall take cognizance of any offence under this Act, except upon a complaint made by a Licensing Officer or any person authorised by such officer in this behalf.

16. Officers to be public servants.—The Director, every Licensing Officer, all officers and persons authorised by the Director or the Licensing Officer under this Act, and all village officers and servants shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860).

17. Bar of certain proceedings.—(1) No prosecution or other proceeding shall lie against any officer or servant of the State Government for any act done or purporting to be done under this Act without the previous sanction of the State Government.

(2) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

18. Limitation for certain suits and prosecutions.—No suit shall be instituted against the State Government and no suit, prosecution or other proceedings shall be instituted against any officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

19. Power to make rules.—(1) The State Government may, after previous publication, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the power, such rules may provide for—

all matters expressly required or allowed by this Act to be prescribed;

the fees which may be charged for the grant or duplicate of licences and the conditions, restrictions and limitations subject to which they may be granted;

the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure to be followed by such officers;

the service of notices and orders issued under this Act;

(3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees.

(4) All rules made under this section shall be laid as soon as may be after they are made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions, and if before the expiry of the said period either House of the State Legislature makes any modification in any rule or directs that any rule shall not have effect and if the modification or direction is agreed to by the other House, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be.

20. Bull dedicated to a religious purpose.—(1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith for a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner to the Licensing Officer.

(2) If the Licensing Officer is of opinion that any such bull, as is referred to in sub-section (1) is of the description set out in sub-clause (*a*), or (*b*) or (*c*) of sub-section (1) of section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Director.

21. Repeal and Savings.—The Mysore Live-Stock Improvement Act, 1951, (Mysore Act XIX of 1951) as in force in Mysore Area, the Bombay Live-Stock Improvement Act, 1933, (Bombay Act XXII of 1934) as in force in Bombay Area, the Madras Live-Stock Improvement Act, 1940), (Madras Act XV of 1940) as in force in Madras Area, the Coorg Live-Stock Improvement Act, 1950, (Coorg Act III of 1950) as in force in Coorg District, are hereby repealed:

Provided that the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act III) of 1899, and section 24 of the said Act shall apply as if the said enactments had been repealed and re-enacted by a Mysore Act.

Statement of Objects and Reasons.

At present in the different areas of the State, tbe enactments noted below are in force, providing for measures to be taken for the improvement of livestock in the State—

1. The Mysore Livestock Improvement Act, 1951.
2. The Coorg Livestock Improvement Act, 1950.
3. The Bombay Livestock Impro ement Act, 195
4. The Madras Livestock Improvement Act, 1940.

With a view to have a single uniform Act applicable to the entire ew State this Bill has been placed before the Legislature.

The Bill provides for obtaining licences to keep bulls which have [illegible] the prescribed age and for castration of scrub bulls.

Registered No. M. 1175

The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

PART IV—2-A.

BANGALORE, THURSDAY, 19, MARCH, 1959
(PHALGUNA 28, SAKA ERA 1880)

No. 20

MYSORE LEGISLATIVE COUNCIL

NOTIFICATION.

No. 3199—L.C., dated Bangalore-1, 18th March 19

Under Rule 51 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Council, the Chairman has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Live-stock Improvement Bill, 1959**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE LIVE-STOCK IMPROVEMENT BILL, 1959.

EAMBLE

USES.

1. Short title, extent and commencement.
2. Definitions.
3. Conferment of powers or duties of the Director.
4. Bulls which have attained a certain age to be li
5. Refusal and revocation of licences.
6. Surrender of licence.
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9. Power to order castration of b
10. Production of licence.
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12. Power of Licensing Officer to castrate bulls.
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18. Limitation for certain suits and pro
19. Power to make rules.
20. Bull dedicated to a religious purpos
21. Repeal and savings.

THE MYSORE LIVE-STOCK IMPROVEMENT BILL, 1959.

A Bill to provide for the improvement of Live-stock in the State of Mysore.

WHEREAS it is expedient to provide for the improvement of live-stock in the State of Mysore ;

BE it enacted by the Mysore State Legislature in the Tenth Year of the Republic of India as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Live-stock Improvement Act, 1959.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once in the areas in which any of the enactments repealed by section 21 is in force, and shall come into force in any other area on such date as the State Government may, by notification, specify.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "bull" includes a buffalo bull ;

(*b*) "cow" includes a buffalo cow and heifer ;

(*c*) "Director" means the officer appointed by the State Government as the Director of Animal Husbandry and Veterinary Services in Mysore, and includes any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under section 3 ;

(*d*) "licence" means a licence granted under section 4 ;

(*e*) "Licensing Officer" means the Director or any other officer authorised to grant licences under section 4 ;

(*f*) "notification" means notification published in the official Gazette ;

(*g*) "prescribed" means prescribed by rules made under this Act ;

(*h*) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody ;

(*i*) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

3. Conferment of powers or duties of the Director.—The State Government may, by notification, confer or impose on any person all or any of the powers or duties of the Director under this Act.

4. Bulls which have attained a certain age to be licensed.—(1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under this section.

Explanation:—Where a person keeps more than one bull he shall obtain a separate licence in respect of each bull.

(2) Every licence under this section shall be granted by the Director or any officer not below the rank of a Veterinary Inspector authorised by the Director by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed

Provided that no fee shall be charged for the grant of the licence.

5. Refusal and revocation of licences.—(1) Subject to such rules as may be prescribed, the Licensing Officer may refuse to grant or may revoke a licence in respect of any bull, if in his opinion the bull appears to be—

(*a*) of defective or inferior conformation and consequently, likely to beget defective or inferior progeny, or

(*b*) suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purpose, o

(*c*) of a breed which is undesirable in public interest to propagate in the district or part of the district in which it is kept.

(2) The Licensing Officer may also after giving a reasonable opportunity to the person concerned revoke a licence granted in respect of any bull kept within his jurisdiction (whether such licence was granted by himself or by any other officer) if in his opinion—

(*a*) the licence was granted under circumstances, which, if the Licensing Officer was aware at the time of granting the licence, he would not have granted it; or

(*b*) there has been a breach of any of the terms, conditions or restrictions of the licence.

(3) If a licence is revoked under this section, the officer revoking the licence shall give notice thereof to the person keeping the bull or to the person stated in the licence to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) Against an order either refusing to grant or revoking a licence under sub-section (1) or sub-section (2) an appeal shall lie within thirty days of the communication of such order—

(i) to the State Government, if the order is that of the Directo

(ii) to the Director, in other cases.

The order in appeal shall be final.

6. Surrender of licence.—A licence granted in respect of a bull shall be surrendered without delay to the Licensing Officer, if—

(*a*) the period specified in the licence expires, or

(*b*) the licence is revoked under this Act, or

(*c*) the bull dies or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

7. Grant of duplicate licence.—If the Licensing Officer is satisfied that the licence granted under section 4 has been lost or destroyed, such officer may, subject to such conditions and payment of such fees, as may be prescribed, issue to the holder of the licence a duplicate thereof, and all the provisions of this Act with respect to the licence so lost or destroyed shall apply to the duplicate as if it were the original licence.

8. Inspection of bulls.—The Licensing Officer may by notice served in the prescribed manner require any person keeping a bull to submit it for inspection at any reasonable time by himself or by any officer deputed by him for the purpose, either at the place where the bull is kept for the time being or at any other reasonable place specified in the order, and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all reasonable assistance in connection with such inspection to the officer concerned.

9. Power to order castration of bulls.—(1) The Licensing Officer may, by notice served in the prescribed manner, require any person keeping a bull which has attained the prescribed age and in respect of which no licence is for the time being in force under this Act, to have it effectively castrated within one month from the date of service of the notice, by a method and in a manner approved by the Director and specified in the order.

(2) Such castration shall be performed or caused to be performed by the Licensing Officer free of charge, unless the owner or other

person keeping the bull desires to make his own arrangements complying with the notice.

10. Production of licence.—It shall be the duty of any person wl for the time being keeps a bull in respect of which a licence has bee obtained and is in force, to produce such licence—

(*a*) within a reasonable time, at any place where the bull for the time being, on demand made by a Licensing Officer or ar other officer authorised in this behalf by the Director;

(*b*) before a cow is served by the bull, on demand made by tl person in charge of the cow.

11. Penalties.—Whoev

(*a*) keeps a bull, in contravention of the provisions of this A or of any rule or order made thereunder, or of any terms, conditio or restrictions of a licence; or

(*b*) neglects or fails to submit a bull for inspection wh required to do so under section 8; or

(*c*) neglects or fails to comply with a notice served und section 9; or

(*d*) neglects or fails to produce a licence when required to so under section 10;

shall be punishable with fine which may extend to fifty rupees and case of a second or any subsequent offence, with fine which m extend to one hundred rupees.

12. Power of Licensing Officer to castrate bulls.—(1) If a pers who keeps a bull neglects or fails to have it castrated when requir to do so under section 9, the Licensing Officer may direct that tl bull shall be castrated by a method and in a manner approved l the Director and marked with a prescribed mark in the prescrib manner free or charge.

(2) (*a*) If it is not known in whose ownership, possession custody a bull is for the time being, and the fact cannot be ascertai ed after an enquiry in the prescribed manner, the Licensing Offic may seize the bull or cause it to be seized, and if he is of opini that the bull has attained the prescribed age and is unsuitable f breeding purposes on any of the grounds specified in su section (1) of section 5, may direct that the bull be castrated by method and in a manner, approved by the Director and marked wi a prescribed mark in the prescribed manner free of charge.

(*b*) Every bull seized under clause (*a*) shall, after it has be castrated and marked as aforesaid where necessary, be sold by pub

auction or sent to a pinjrapole or infirmary, recognised by the State Government in this behalf.

(*c*) In case the owner of any bull seized under clause (*a*) appears before the Licensing Officer within such time as may be prescribed in this behalf and proves to the satisfaction of such Officer that the bull is owned by him—

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull and determined in the prescribed manner ; and

(ii) in any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance, and determined in the prescribed manner.

13. Power of Licensing Officer, etc, to inspect or mark bull and to enter premises.—For the purposes of this Act, a Licensing Officer or any officer authorised by the Director in this behalf shall have power at all reasonable times—

(*a*) to inspect any bull ;

(*b*) to mark any bull with a prescribed mark in the prescribe manner ; and

(*c*) subject to such conditions and restrictions, if any, as ma be prescribed, to enter any premises or other place where he has reaso to believe that a bull is kept.

14. Duty of Officers to report offences.—It shall be the duty of a village officers and servants and of all officers of the Anima Husbandry, Agriculture and Revenue Departments,

(*a*) to give immediate information which may come t their knowledge of the commission of any offence or any attempt c preparation to commit any offence, punishable under this Act, to th nearest Licensing Officer ;

(*b*) to take all reasonable measures in their power to prever the commission of any such offence which they know or have reasc to believe is about or likely to be committed ; and

15. Cognizance of offence.—No Magistrate shall take cogi ance of any offence under this Act, except upon a complaint ma y a Licensing Officer or any person authorised by such officer his behalf.

16. Officers to be public servants.—The Director, every Licens- ng Officer, all officers and persons authorised by the Director or he Licensing Officer under this Act, and all village officers and ervants shall be deemed to be public servants within the meaning of ection 21 of the Indian Penal Code, 1860 (Central Act XLV of 860).

17. Bar of certain proceedings.—(1) No prosecution or other roceeding shall lie against any officer or servant of the State overnment for any act done or purporting to be done under this Act vithout the previous sanction of the State Government.

(2) No officer or servant of the State Government shall be iable in respect of any such act in any civil or criminal proceeding, f the act was done in good faith in the course of the execution of luties or the discharge of functions imposed by or under this Act.

18. Limitation for certain suits and prosecutions.—No suit shall e instituted against the State Government and no suit, prosecution r other proceedings shall be instituted against any officer or servant f the State Government in respect of any act done or purporting to e done under this Act, unless the suit, prosecution or other roceeding is instituted within six months from the date of the act omplained of.

19. Power to make rules.—(1) The State Government may, fter previous publication, by notification, make rules to carry ut the purposes of this Act.

(2) In particular and without prejudice to the generality of the oregoing power, such rules may provide fo

(*a*) all matters expressly required or allowed by this Act to be prescribed,

(*b*) the fees which may be charged for the grant of duplicates of licences and the conditions, restrictions and limitations subject to which they may be granted;

(*c*) the powers to be exercised and the duties to be performed by officers appointed under thi [illegible] ocedure to be followed by such officers

(*d*) the service of notices and orders issued under this Act.

(3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees.

(4) All rules made under this section shall be laid as soon as may be after they are made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions, and if before the expiry of the said period either House of the State Legislature makes any modification in any rule or directs that any rule shall not have effect and if the modification or direction is agreed to by the other House, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be.

20. Bull dedicated to a religious purpose.—(1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith for a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner to the Licensing Officer.

(2) If the Licensing Officer is of opinion that any such bull, as is referred to in sub-section (1) is of the description set out in sub-clause (*a*), or (*b*) or (*c*) of sub-section (1) of section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Director.

21. Repeal and Savings.—The Mysore Live-Stock Improvement Act, 1951, (Mysore Act XIX of 1951) as in force in Mysore Area, the Bombay Live-Stock Improvement Act, 1933, (Bombay Act XXII of 1934) as in force in Bombay Area, the Madras Live-Stock Improvement Act, 1940), (Madras Act XV of 1940) as in force in Madras Area, the Coorg Live-Stock Improvement Act, 1950, (Coorg Act III of 1950) as in force in Coorg District, are hereby repealed:

Provided that the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act III) of 1899, and section 24 of the said Act shall apply as if the said enactments had been repealed and re-enacted by a Mysore Act.

Statement of Objects and Reasons.

At present in the different areas of the State, the enactments noted below are in force, providing for measures to be taken for the improvement of livestock in the State—

1. The Mysore Livestock Improvement Act, 1951.
2. The Coorg Livestock Improvement Act, 1950.
3. The Bombay Livestock Improvement Act, 1953.
4. The Madras Livestock Improvement Act, 1940.

With a view to have a single uniform Act applicable to the entire new State this Bill has been placed before the Legislature.

The Bill provides for obtaining licences to keep bulls which have attained the prescribed age and for castration of scrub bulls.

MYSORE LEGISLATIVE COUNCIL.

SECOND SESSION, 1960.

Report of the Select Committee on the Mysore Live-stock Improvement Bill, 1959.

(Presented on Saturday the 3rd September 1960)

We the members of the Select Committee to which the Mysore Live-stock Improvement Bill, 1959 was referred, have considered the several clauses of the Bill, and have the honour to submit the following report :—

We met on 11th July 1960 and considered the Bill clause by clause.

Preamble.—Since we are in the Eleventh Year of the Republic of India which commenced on the 26th January, 1960, the preamble has been suitably modified.

Clause 1.—In the short title reference has been made to the year 1960 instead of 1959.

Clause 4.—We consider that it is unnecessary to refer to " terms, conditions and restrictions" of a licence. It is sufficient if a reference is made to the conditions of a licence. We have accordingly modified this clause.

Clause 5.—We are of the opinion that the licences granted by an officer should not be subject to revocation by the same officer on the ground that it was granted under circumstances which if he was aware at the time of granting it, he would not have granted it. Such a provision would give room to Licensing Officers issuing licences without proper enquiry and revoking the licences thereafter resulting in unnecessary harassment to the public. We therefore consider that the power of revocation on such a ground should vest in an authority superior to the Licensing Officer. We have accordingly modified sub-clause (2) of this clause. We have also made some verbal changes in sub-clauses (3) and (4).

Clause 6.—We are of the opinion that fifteen days time should be given for surrendering a licence under this clause. The clause has accordingly been amended.

Clause 8.—Under this clause, the person keeping a bull should produce it for inspection at any reasonable place specified by the Licensing Officer. Presumably under this clause the Licensing Officer can require the production of the bull where he is stationed and if such a place is some miles from the place at which the bull is kept, considerable hardship will be caused to persons keeping bulls. We therefore consider that the place at which the licensing officer can require production of the bull for inspection should be in the village, town or city in which the bull is kept. We have accordingly amended the clause.

Clause 9.—We have substituted the words "thirty days" for the words "one month" in sub-clause (1).

Clause 11.—We consider that the fine payable for the first offence may be twenty-five rupees instead of fifty rupees, and the fine payable for subsequent offences may be fifty rupees instead of one hundred rupees. We are also of the opinion that the reference to 'neglect' in sub-clauses (*b*), (*c*) and (*d*) may be omitted. The clause has accordingly been amended.

Clause 12.—(New clause).—We are of the opinion that the offences punishable under this Act should be made compoundable, the power to compound being vested in an officer not below the rank of Assistant Director of Animal Husbandry. The amount payable for composition may be twice the amount payable as fine in respect of the offences. We have accordingly inserted this new clause.

Clause 15.—(*Original Clause 14*).—We consider that in addition to officers of the Animal Husbandry, Agriculture and Revenue Departments, officers of the Community Development Department and officers of such other departments as may be notified by the State Government should be required to report offences and discharge the other duties laid down in this clause. The clause has been modified accordingly.

Clause 20 (*Original Clause 19*).—We consider that the fine payable for breach of a rule may be twenty-five rupees instead of fifty rupees. Sub-clause (3) has accordingly been amended.

The other amendments made in the Bill are either consequential or clarificatory.

The bill was published in the *Mysore Gazette*, Extraordinary, dated the 19th March 1959.

In our opinion, the Bill has not been so altered as to require circulation.

1. N. Rachiah (*Chairman*).
2. H. Basappa.
3. M. L. Srikantiah.
4. S. S. Narayana Murthy.
5. S. Champa.

The Minister for Law, Labour and Local Self-Government an *Ex-Officio* Member of the Committee did not attend the meeting of the Committee.

Shri Ayyana Gowda, Lingana Gowda has not yet indicated his approval to the report.

Shriyuts: B. Hutche Gowda, J. Deviah, S. Narasapaya, N. A. Aiyengar, ceased to be members of the Select Committee on account of the expiration of their term of membership of the Council from the 14th May 1960.

Shri V. C. Pavte, though re-elected to the Council from 14th May 1960 did not attend the meeting as he had not taken the required oath of allegiance.

G. S. VENKATARAMANA IYER,
Secretary.

THE MYSORE LIVE-STOCK IMPROVEMENT BILL, 1960.

PREAMBLE.

Clauses.

1. Short title, extent and commencement.
2. Definitions.
3. Conferment of powers or duties of the Director.
4. Bulls which have attained a certain age to be licensed.
5. Refusal and revocation of licences.
6. Surrender of licence.
7. Grant of duplicate licence.
8. Inspection of bulls.
9. Power to order castration of bulls.
10. Production of licence.
11. Penalties.
12. Composition of Offences.
13. Power of Licensing Officer to castrate bulls.
14. Power of Licensing Officer, etc., to inspect or mark bull and to enter premises.
15. Duty of Officers to report offences.
16. Cognizance of offences.
17. Officers to be public servants.
18. Bar of certain proceedings.
19. Limitation for certain suits and prosecutions.
20. Power to make rules.
21. Bull dedicated to a religious purpose.
22. Repeal and savings.

[AS AMENDED BY THE SELECT COMMITTEE.]

(Words underlined or side-lined indicate the ammendments suggested by the Committee; omissions are indicated by asterisks.)

THE MYSORE LIVE-STOCK IMPROVEMENT BILL, 1960.

Bill to provide for the improvement of Live-stock in the State of Mysore.

WHEREAS it is expedient to provide for the improvement of e-stock in the State of Mysore ;

BE it enacted by the Mysore State Legislature in the Eleventh ar of the Republic of India as follows :—

1. Short title, extent and commencement.—(1) This Act may called the Mysore Live-stock Improvement Act, 1960.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once in the areas in which any he enactments repealed by section 22 is in force, and shall come o force in any other area on such date as the State Government y, by notification, specify.

2. Definitions.—In this Act, unless the context otherwise uires,—

(*a*) "bull" includes a buffalo bull;

(*b*) "cow" includes a buffalo cow and a heifer;

(*c*) "Director" means the officer appointed by the State vernment as the Director of Animal Husbandry and Veterinary vices in Mysore, and includes any other person on whom the vers or duties of the Director under this Act have been conferred imposed under section 3;

(*d*) "licence" means a licence granted under section 4;

(*e*) "Licensing Officer" means the Director or any other officer horised to grant licences under section 4;

(*f*) "notification" means notification published in the Official zette;

(*g*) "prescribed" means prescribed by rules made under this ;

(*h*) a person is said to "keep a bull" if he owns the bull or the bull in his possession or custody;

(*i*) a bull is said to be castrated if it is rendered incapabl of propagating its species.

3. Conferment of powers or duties of the Director.—The Stat Government may, by notification, confer or impose on any person a or any of the powers or duties of the Director under this Act.

4. Bulls which have attained a certain age to be licensed.—(1 No person shall keep a bull which has attained the prescribed ag except under and in accordance with the * conditions * of a licence granted under this section.

Explanation:—Where a person keeps more than one bull h shall obtain a separate licence in respect of each bull.

(2) Every licence under this section shall be granted by th Director or any officer not below the rank of a Veterinary Inspectc authorised by the Director by general or special order. It shall be i such form, for such period, and subject to such conditions * as may be prescribed:

Provided that no fee shall be charged for the grant of the licenc

5. Refusal and revocation of licences.—(1) Subject to such rul as may be prescribed, the Licensing Officer may refuse to grant * a licence in respect of any bull, if in his opinion the bu appears to be—

(*a*) of defective or inferior conformation and consequentl likely to beget defective or inferior progeny, or

(*b*) suffering from an incurable, contagious or infectious diseas or from any other disease rendering the bull unsuitable for breedin purpose, or

(*c*) of a breed which is undesirable in public interest t propagate in the district or part of the district in which it is kept.

(2) (*a*) The Licensing Officer may revoke a licence granted i respect of any bull kept within his jurisdiction (whether such licenc was granted by himself or by any other officer) if *

(*a*)

there has been a breach of any of the *, conditions * of the licence,

(*b*) The State Government, in respect of a licence granted by the Director, and the officer of the Animal Husbandry Department immediately superior to the Licensing Officer, in respect of a licence granted by any other officer of that Department, may revoke the licence, if the Licence was granted under circumstances, under which it ought not to have been granted.

(*c*) Before revoking a licence under clause (*a*) or clause (*b*), a notice shall be given to the person concerned of the grounds on which it is proposed to take action and he shall be given a reasonable opportunity of showing cause against it.

(3) If a licence is revoked under this section, the State Government or the officer revoking the licence shall Communicate the order of revocation along with the grounds of revocation, to the person keeping the bull or to the person stated in the licence to be the owner of the bull.

(4) Against an order either refusing to grant or revoking a licence under sub-section (1) or sub-section (2) an appeal shall lie within thirty days of the communication of such order—

(i) to the State Government, if the order is that of the Director,

(ii) to the Director, if the order is that of any officer subordinate to the Director.

The order in appeal shall be final.

6. Surrender of licence.—A licence granted in respect of a bull shall be surrendered * to the Licensing Officer, if—

(*a*) the period specified in the licence expires, or

(*b*) the licence is revoked under this Act, or

(*c*) the bull dies or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

The licence shall be surrendered within fifteen days from the date of its expiry or revocation or the date of death of the bull or the issue of the certificate that the bull has been castrated as the case may be.

7. Grant of duplicate licence.—If the Licensing Officer is satisfied that the licence granted under section 4 has been lost or destroyed, such officer may, subject to such conditions and payment of such fees, as may be prescribed, issue to the holder of the licence a

duplicate thereof, and all the provisions of this Act with respect to t licence so lost or destroyed shall apply to the duplicate as if it w the original licence.

8. Inspection of bulls.—The Licensing Officer may by not served in the prescribed manner require any person keeping a bull submit it for inspection at any reasonable time by himself or by a officer deputed by him for the purpose, either at the place where bull is kept for the time being, or at any appointed place in village, town or city in which the bull is kept specified in the orc and thereupon it shall be the duty of the person keeping the bull submit it for inspection accordingly, and render all reasona assistance in connection with such inspection to the officer concern

9. Power to order castration of bulls.—(1) The Licensing Offi may, by notice served in the prescribed manner, require any per keeping a bull which has attained the prescribed age and in resp of which no licence is for the time being in force under this Act, have it effectively castrated within thirty days from the date of serv of the notice, by a method and in a manner approved by the Direc and specified in the order.

(2) Such castration shall be performed or caused to performed by the Licensing Officer free of charge, unless the owne other person keeping the bull desires to make his own arrangeme for complying with the notice.

10. Production of licence.—It shall be the duty of any person v for the time being keeps a bull in respect of which a licence has b obtained and is in force, to produce such licence—

(*a*) on demand made by a Licensing Officer or any ot officer authorised in this behalf by the Director, within a reasona time, at any place where the bull is for the time being;

(*b*) on demand made by the person in charge of the cow be a cow is served by the bull.

enalties.—Whoeve

keeps a bull, in contravention of the provisions of this or of any rule or order made thereunder, or of conditions of a licence; or

* fails to submit a bull for inspection when requ to do so under section 8; o

* fails to comply with a notice served under section 9

* fails to produce a licence when required to do so ur section 10

shall be punishable with fine which may extend to twenty-five rupees and in case of * any subsequent offence, with fine which may extend to fifty rupees.

12. Composition of offences.—(1) Any Offence punishable under this Act or any rule made thereunder may be compounded by an Officer of the Animal Husbandry Department not below the rank of Assistant Director of Animal Husbandry having jurisdiction over the area in which the offence is committed, on payment of an amount equal to twice the amount of fine payable as fine in respect of such offence.

(2) On the composition of an offence under sub-section (1), the person concerned, if in custody, shall be set at liberty, and if proceedings in any criminal Court have been instituted against such person in respect of the offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

13. Power of Licensing Officer to castrate bulls.—(1) If a person who keeps a bull * fails to have it castrated when required to do so under section 9, the Licensing Officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(2) (*a*) If it is not known in whose ownership, possession or custody a bull is for the time being, and the fact cannot be ascertained after an enquiry in the prescribed manner, the Licensing Officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the prescribed age and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5, may direct that the bull be castrated by a method and in a manner, approved by the Director and marked with a prescribed mark in the prescribed manner free of charge.

(*b*) Every bull seized under clause (*a*) shall, after it has been castrated and marked as aforesaid where necessary, be sold by public auction or sent to a pinjrapole or infirmary, recognised by the State Government in this behalf.

(*c*) In case the owner of any bull seized under clause (*a*) appears before the Licensing Officer within such time as may be prescribed in this behalf and proves to the satisfaction of such Officer that the bull is owned by him—

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after

deducting therefrom the costs, charges and exper incurred for the maintenance and sale of the bull determined in the prescribed manner; and

in any other case, the bull shall be delivered to owner on payment of the costs, charges and expe incurred for its maintenance, and determined in prescribed manner

14. Power of Licensing Officer, etc, to inspect or mark bull an r premises.—For the purposes of this Act, a Licensing Office officer authorised by the Director in this behalf shall have p ll reasonable times—

(*a*) to inspect any bull;

(*b*) to mark any bull with a prescribed mark in the prescribed ner; and

(*c*) subject to such conditions and restrictions, if any, as may rescribed, to enter any premises or other place where he has reason elieve that a bull is kept.

15. Duty of Officers to report offences.—It shall be the duty of all ge officers and servants and of all officers of the Animal bandry, Agriculture Community Development and Revenue artments and of all Officers of such other Departments as may be ified by the State Government.

(*a*) to give immediate information which may come to r knowledge of the commission of any offence or any attempt or aration to commit any offence, punishable under this Act, to the rest Licensing Officer;

(*b*) to take all reasonable measures in their power to prevent commission of any such offence which they know or have reason elieve is about or likely to be committed; and

(*c*) to assist any Licensing Officer in carrying out the provisions his Act.

16. Cognizance of offence.—No Magistrate shall take cognizance any offence under this Act, except upon a complaint made a Licensing Officer or any person authorised by such officer in behalf.

17. Officers to be public servants.—The Director, every Licensing cer, all officers and persons authorised by the Director or Licensing Officer under this Act, and all village officers and

servants shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860).

18. Bar of certain proceedings.—(1) No prosecution or other proceeding shall lie against any officer or servant of the State Government for any act done or purporting to be done under this Act, without the previous sanction of the State Government.

(2) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

19. Limitation for certain suits and prosecutions.—No suit shall be instituted against the State Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act, complained of.

20. Power to make rules.—(1) The State Government may, after previous publication, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed;

(*b*) the fees which may be charged for the grant of duplicates of licences and the conditions, restrictions and limitations subject to which they may be granted;

(*c*) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure to be followed by such officers;

(*d*) the service of notices and orders issued under this Act.

(3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to twenty-five rupees.

(4) Every rule made under this section, shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

21. Bull dedicated to a religious purpose.—(1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bu dedicated in good faith for a religious purpose in accordance wi any religious usage or custom, provided that notice of the dedicati is given in the prescribed manner to the Licensing Officer.

(2) If the Licensing Officer is of opinion that any such bull, is referred to in sub-section (1), is of the description set out sub-clause (*a*), or (*b*) or (*c*) of sub-section (1) of section 5, he may cau such bull to be effectively castrated by a method and in a manr approved by the Director.

22. Repeal and Savings.—The Mysore Live-Stock Improveme Act, 1951, (Mysore Act XIX of 1951) as in force in Mysore Ar the Bombay Live-Stock Improvement Act, 1933, (Bombay A XXII of 1933) as in force in Bombay Area, the Madras Live-Stc Improvement Act, 1940), (Madras Act XV of 1940) as in force Madras Area, the Coorg Live-Stock Improvement Act, 1950, (Coc Act III of 1950) as in force in Coorg District, are hereby repealed:

Provided that the provisions of section 6 of the Mysore Gene Clauses Act, 1899 (Mysore Act III) of 1899, and sections 8 a

its had be

THE MYSORE LIVE-STOCK IMPROVEMENT BILL, 1960.

PREAMBLE.

Clauses.

1. Short title, extent and commencement.
2. Definitions.
3. Conferment of powers or duties of the Director.
4. Bulls which have attained a certain age to be licensed.
5. Refusal and revocation of licences.
6. Surrender of licence.
7. Grant of duplicate licence.
8. Inspection of bulls.
9. Power to order castration of bulls.
10. Production of licence.
11. Penalties.
12. Composition of Offences.
13. Power of Licensing Officer to castrate bulls.
14. Power of Licensing Officer, etc., to inspect or mark bull and to enter premises.
15. Duty of Officers to report offences.
16. Cognizance of offences.
17. Officers to be public servants.
18. Bar of certain proceedings.
19. Limitation for certain suits and prosecutions.
20. Power to make rules.
21. Bull dedicated to a religious purpose.
22. Repeal and savings.

MYSORE LEGISLATIVE ASSEMBLY

FIRST SESSION, 1961.

(ADJOURNED MEETINGS)

THE MYSORE LIVE-STOCK IMPROVEMENT BILL, 1960.

A Bill to provide for the improvement of Live-stock in the State of Mysore.

(*As passed by the Legislative Council*).

WHEREAS it is expedient to provide for the improvement of live-stock in the State of Mysore ;

BE it enacted by the Mysore State Legislature in the Eleventh Year of the Republic of India as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Live-stock Improvement Act, 1960.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once in the areas in which any of the enactments repealed by section 22 is in force, and shall come into force in any other area on such date as the State Government may, by notification, specify.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) " bull " includes a buffalo bull ;

(*b*) " cow " includes a buffalo cow and a heifer ;

(*c*) " Director " means the officer appointed by the State Government as the Director of Animal Husbandry and Veterinary Services in Mysore, and includes any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under section 3 ;

(*d*) " licence " means a licence granted under section 4 ;

(*e*) " Licensing Officer " means the Director or any other officer authorised to grant licences under section

(*f*) " notification " means notification published in the Official Gazette ;

(*g*) " prescribed " means prescribed by rules made under this Act ;

(*h*) a person is said to " keep a bull " if he owns the bull or has the bull in his possession or custody :

(*i*) a bull is said to be " castrated " if it is rendered incapable of propagating its species.

3. Conferment of powers or duties of the Director.—The State Government may, by notification, confer or impose on any person all or any of the powers or duties of the Director under this Act.

4. Bulls which have attained a certain age to be licensed.—(1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the conditions of a licence granted under this section.

Explanation :—Where a person keeps more than one bull he shall obtain a separate licence in respect of each bull.

(2) Every licence under this section shall be granted by the Director or any officer not below the rank of a Veterinary Inspector authorised by the Director by general or special order. It shall be in such form, for such period, and subject to such conditions as may be prescribed :

Provided that no fee shall be charged for the grant of the licence.

5. Refusal and revocation of licences.—(1) Subject to such rules as may be prescribed, the Licensing Officer may refuse to grant a licence in respect of any bull, if in his opinion the bull appears to be—

(*a*) of defective or inferior conformation and consequently, likely to be get defective or inferior progeny, or

(*b*) suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purpose, or

(*c*) of a breed which is undesirable in public interest to propagate in the district or part of the district in which it is kept.

(2) (*a*) The Licensing Officer may revoke a licence granted in respect of any bull kept within his jurisdiction (whether such licence was granted by himself or by any other officer) if there has been a breach of any of the conditions of the licence.

(*b*) The State Government, in respect of a licence granted by the Director, and the officer of the Animal Husbandry Department immediately superior to the Licensing Officer, in respect of a licence granted by any other officer of that Department, may revoke the licence, if the Licence was granted under circumstances, under which it ought not to have been granted.

(*c*) Before revoking a licence under clause (*a*) or clause (*b*), a notice shall be given to the person concerned of the grounds on which it is proposed to take action and he shall be given a reasonable opportunity of showing cause against it.

(3) If a licence is revoked under this section, the State Government or the officer revoking the licence shall communicate the order of revocation along with the grounds of revocation, to the person keeping the bull or to the person stated in the licence to be the owner of the bull.

(4) Against an order either refusing to grant or revoking a ce under sub-section (1) or sub-section (2) an appeal shall lie n thirty days of the communication of such order—

(i) to the State Government, if the order is that of the Director

(ii) to the Director, if the order is that of any officer subordinate to the Director.

The order in appeal shall be final.

6. **Surrender of licence.**—A licence granted in respect of a bull be surrendered to the Licensing Officer, if—

(*a*) the period specified in the licence expires, or

(*b*) the licence is revoked under this Act, or

(*c*) the bull dies or is certified by the prescribed officer to have effectively castrated by a method and in a manner approved by Director.

The licence shall be surrendered within fifteen days from the of its expiry or revocation or the date of death of the bull or ssue of the certificate that the bull has been castrated as the may be.

7. Grant of duplicate licence.—If the Licensing Officer is satisfie that the licence granted under section 4 has been lost or destroyec ·uch officer may, subject to such conditions and payment of suc ees, as may be prescribed, issue to the holder of the licence luplicate thereof, and all the provisions of this Act with respect to th icence so lost or destroyed shall apply to the duplicate as if it wer he original licence.

8. Inspection of bulls.—The Licensing Officer may by notice erved in the prescribed manner require any person keeping a bull to ubmit it for inspection at any reasonable time by himself or by any ›fficer deputed by him for the purpose, either at the place where the ›ull is kept for the time being, or at any appointed place in the 'illage, town or city in which the bull is kept specified in the order, nd thereupon it shall be the duty of the person keeping the bull to ubmit it for inspection accordingly, and render all reasonable ssistance in connection with such inspection to the officer concerned.

9. Power to order castration of bulls.—(1) The Licensing Officer nay, by notice served in the prescribed manner, require any person eeping a bull which has attained the prescribed age and in respect f which no licence is for the time being in force under this Act, to ıave it effectively castrated within thirty days from the date of service f the notice, by a method and in a manner approved by the Director nd specified in the order.

(2) Such castration shall be performed or caused to be erformed by the Licensing Officer free of charge, unless the owner or ther person keeping the bull desires to make his own arrangements or complying with the notice.

10. Production of licence.—It shall be the duty of any person who or the time being keeps a bull in respect of which a licence has been btained and is in force, to produce such licence—

(*a*) on demand made by a Licensing Officer or any other fficer authorised in this behalf by the Director, within a reasonable ime, at any place where the bull is for the time being;

(*b*) on demand made by the person in charge of the cow before is served by the bull.

l. **Penalties.**—Whoever-

(*a*) keeps a bull, in contravention of the provisions of this Act or of any rule or order made thereunder, or of any conditions of a licence; or

(*b*) fails to submit a bull for inspection when required to do so under section 8 ; or

(*c*) fails to comply with a notice served under section 9 ; or

(*d*) fails to produce a licence when required to do so under section 10 ;

shall be punishable with fine which may extend to twenty-five rupees and in case of any subsequent offence, with fine which may extend to fifty rupees.

12. Composition of offences.—(1) Any offence punishable under this Act or any rule made thereunder may be compounded by an Officer of the Animal Husbandry Department not below the rank of Assistant Director of Animal Husbandry having jurisdiction over the area in which the offence is committed, on payment of an amount fixed by that officer.

(2) On the composition of an offence under sub-section (1), the person concerned, if in custody, shall be set at liberty, and if proceedings in any criminal Court have been instituted against such person in respect of the offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

13. Power of Licensing Officer to castrate bulls.—(1) If a person who keeps a bull fails to have it castrated when required to do so under section 9, the Licensing Officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(2) (*a*) If it is not known in whose ownership, possession or custody a bull is for the time being, and the fact cannot be ascertained after an enquiry in the prescribed manner, the Licensing Officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the prescribed age and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5, may direct that the bull be castrated by a method and in a manner, approved by the Director and marked with a prescribed mark in the prescribed manner free of charge.

(*b*) Every bull seized under clause (*a*) shall, after it has been castrated and marked as aforesaid where necessary, be sold by public auction or sent to a pinjrapole or infirmary, recognised by the State Government in this behalf.

(*c*) In case the owner of any bull seized under clause (*c* appears before the Licensing Officer within such time as may b prescribed in this behalf and proves to the satisfaction of such Office that the bull is owned by him—

(i) in case the bull has been sold by public auction, th proceeds of such sale shall be paid to the owner afte deducting therefrom the costs, charges and expense incurred for the maintenance and sale of the bull an determined in the prescribed manner ; and.

(ii) in any other case, the bull shall be delivered to th owner on payment of the costs, charges and expense incurred for its maintenance, and determined in th prescribed mann

14. Power of Licensing Officer, etc, to inspect or mark bull and t enter premises.—For the purposes of this Act, a Licensing Officer c any officer authorised by the Director in this behalf shall have powe at all reasonable times—

(*a*) to inspect any bull

(*b*) to mark any bull with a prescribed mark in the prescribe manner ; and

(*c*) subject to such conditions and restrictions, if any, as ma be prescribed, to enter any premises or other place where he has reaso to believe that a bull is kept.

15. Duty of Officers to report offences.—It shall be the duty of a village officers and servants and of all officers of the Anima Husbandry, Agriculture, Community Development and Revenu Departments and of all Officers of such other Departments as may b notified by the State Governme

(*a*) to give immediate information which may come t their knowledge of the commission of any offence or any attempt c preparation to commit any offence, punishable under this Act, to th nearest Licensing Officer;

(*b*) to take all reasonable measures in their power to preven the commission of any such offence which they know or have reaso to believe is about or likely to be committed; and

(*c*) to assist any Licensing Officer in carrying out the provision of this Act.

16. Cognizance of offence.—No Magistrate shall take cognizance of any offence under this Act, except upon a complaint made by a Licensing Officer or any person authorised by such officer in this behalf.

17. Officers to be public servants.—The Director, every Licensing Offieer, all officers and persons authorised by the Director or the Licensing Officer under this Act, and all village officers and servants shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860).

18. Bar of certain proceedings.—(1) No prosecution or other proceeding shall lie against any officer or servant of the State Government for any act done or purporting to be done under this Act, without the previous sanction of the State Government.

(2) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

19. Limitation for certain suits and prosecutions.—No suit shall be instituted against the State Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act, complained of.

20. Power to make rules.—(1) The State Government may, after previous publication, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed;

(*b*) the fees which may be charged for the grant of duplicates of licences and the conditions, restrictions and limitations subject to which they may be granted;

(*c*) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure to be followed by such officers;

(*d*) the service of notices and orders issued under this Act.

(3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to twenty-five rupees.

(4) Every rule made under this section, shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

21. Bull dedicated to a religious purpose.—(1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith for a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner to the Licensing Officer.

(2) If the Licensing Officer is of opinion that any such bull, as is referred to in sub-section (1), is of the description set out in sub-clause (*a*), or (*b*) or (*c*) of sub-section (1) of section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Director.

22. Repeal and Savings.—The Mysore Live-Stock Improvement Act, 1951, (Mysore Act XIX of 1951) as in force in Mysore Area the Bombay Live-Stock Improvement Act, 1933, (Bombay Act XXII of 1933) as in force in Bombay Area, the Madras Live-Stock Improvement Act, 1940), (Madras Act XV of 1940) as in force in Madras Area, the Coorg Live-Stock Improvement Act, 1950, (Coorg Act III of 1950) as in force in Coorg District, are hereby repealed:

Provided that the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act III of 1899), and sections 8 and 24 of the said Act shall apply as if the said enactments had been repealed and re-enacted by this Act.

Statement of Objects and Reasons.

At present in the different areas of the State, the enactments noted below are in force, providing for measures to be taken for the improvement of livestock in the State—

1. The Mysore Livestock Improvement Act, 1951.
2. The Coorg Livestock Improvement Act, 1950.
3. The Bombay Livestock Improvement Act, 1953.
4. The Madras Livestock Improvement Act, 1940.

with a view to have a single uniform Act applicable to the entire new State this Bill has been placed before the Legislature.

The Bill provides for obtaining licences to keep bulls which have attained prescribed age and for castraion of scrub bulls.

N. RACHIAH.

G. S. VENKATARAMANA IYER,
Secretary.

MYSORE LEGISLATURE

LEGISLATURE SECRETARIAT
P. B. No. 74,

No. 10972/LA
Enc 2 Copies

Bangalore-1, dated 30-11-1961

FROM

THE SECRETARY,

MYSORE LEGISLATURE.

To

The Secretary to Government,
Law Department,
Bangalore.

SIR,

Sub: Mysore Live Stock Improvement Bill, 1961.

I forward herewith for assent 2 copies of the Mysore Live Stock Improvement Bill, 1961, as passed by both the Houses of Legislature and signed by the Speaker, Legislative Assembly.

Yours faithfully,

Secretary,
Mysore Legislature.

30/11/61

lvr.

THE MYSORE LIVE-STOCK IMPROVEMENT BILL, 1961.

PREAMBLE.

Clauses.

1. Short title, extent and commencement.
2. Definitions.
3. Conferment of powers or duties of the Director.
4. Bulls which have attained a certain age to be licensed.
5. Refusal and revocation of licences.
6. Surrender of licence.
7. Grant of duplicate licence.
8. Inspection of bulls.
9. Power to order castration of bulls.
10. Production of licence.
11. Penalties.
12. Composition of offences.
13. Power of Licensing Officer to castrate bulls.
14. Power of Licensing Officer, etc., to inspect or mark bull and to enter premises.
15. Duty of Officers to report offences.
16. Cognizance of offences.
17. Officers to be public servants.
18. Bar of certain proceedings.
19. Limitation for certain suits and prosecutions.
20. Power to make rules.
21. Bull dedicated to a religious purpose.
22. Repeal and savings.

THE MYSORE LIVE-STOCK IMPROVEMENT BILL, 1961.

A Bill to provide for the improvement of Live-stock in the State of Mysore.

WHEREAS it is expedient to provide for the improvement of live-stock in the State of Mysore ;

BE it enacted by the Mysore State Legislature in the Twelfth Year of the Republic of India as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Live-stock Improvement Act, 1961.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once in the areas in which any of the enactments repealed by section 22 is in force, and shall come into force in any other area on such date as the State Government may, by notification, specify.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "bull" includes a buffalo bull;

(*b*) "cow" includes a buffalo cow and a heifer;

(*c*) "Director" means the officer appointed by the State Government as the Director of Animal Husbandry and Veterinary Services in Mysore, and includes any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under section 3;

(*d*) "licence" means a licence granted under section 4;

(*e*) "Licensing Officer" means the Director or any other officer authorised to grant licences under section 4;

(*f*) "notification" means notification published in the Official Gazette;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody:

(*i*) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

3. Conferment of powers or duties of the Director.—The State Government may, by notification, confer or impose on any person all or any of the powers or duties of the Director under this Act.

4. Bulls which have attained a certain age to be licensed.—(1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the conditions of a licence granted under this section.

Explanation:—Where a person keeps more than one bull he shall obtain a separate licence in respect of each bull.

(2) Every licence under this section shall be granted by the Director or any officer not below the rank of a Veterinary Inspector authorised by the Director by general or special order. It shall be in such form, for such period, and subject to such conditions as may be prescribed:

Provided that no fee shall be charged for the grant of the licence.

5. Refusal and revocation of licences.—(1) Subject to such rules as may be prescribed, the Licensing Officer may refuse to grant a licence in respect of any bull, if in his opinion the bull appears to be—

(*a*) of defective or inferior conformation and consequently, likely to beget defective or inferior progeny, or

(*b*) suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purpose, or

(*c*) of a breed which is undesirable in public interest to propagate in the district or part of the district in which it is kept.

(2) (*a*) The Licensing Officer may revoke a licence granted in respect of any bull kept within his jurisdiction (whether such licence was granted by himself or by any other officer) if there has been a breach of any of the conditions of the licence.

(*b*) The State Government, in respect of a licence granted by the Director, and the officer of the Animal Husbandry Department immediately superior to the Licensing Officer, in respect of a licence granted by any other officer of that Department, may revoke the licence, if the licence was granted under circumstances, under which it ought not to have been granted.

(*c*) Before revoking a licence under clause (*a*) or clause (*b*), a notice shall be given to the person concerned of the grounds on which it is proposed to take action and he shall be given a reasonable opportunity of showing cause against it.

(3) If a licence is revoked under this section, the State Government or the officer revoking the licence shall communicate the order of revocation along with the grounds of revocation, to the person keeping the bull or to the person stated in the licence to be the owner of the bull.

(4) Against an order either refusing to grant or revoking a licence under sub-section (1) or sub-section (2) an appeal shall lie within thirty days of the communication of such order,—

(i) to the State Government, if the order is that of the Director

(ii) to the Director, if the order is that of any officer subordinate to the Director.

The order in appeal shall be final.

6. Surrender of licence.—A licence granted in respect of a bull shall be surrendered to the Licensing Officer, if—

(*a*) the period specified in the licence expires, or

(*b*) the licence is revoked under this Act, or

(*c*) the bull dies or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

The licence shall be surrendered within fifteen days from the date of its expiry or revocation or the date of death of the bull or the issue of the certificate that the bull has been castrated, as the case may be.

7. Grant of duplicate licence.—If the Licensing Officer is satisfied that the licence granted under section 4 has been lost or destroyed, such officer may, subject to such conditions and payment of such fees, as may be prescribed, issue to the holder of the licence a duplicate thereof, and all the provisions of this Act with respect to the licence so lost or destroyed shall apply to the duplicate as if it were the original licence.

8. Inspection of bulls.—The Licensing Officer may, by notice served in the prescribed manner, require any person keeping a bull to submit it for inspection at any reasonable time by himself or by any officer deputed by him for the purpose, either at the place where the bull is kept for the time being, or at any appointed place in the village, town or city in which the bull is kept specified in the order, and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all reasonable assistance in connection with such inspection to the officer concerned.

9. Power to order castration of bulls.—(1) The Licensing Officer may, by notice served in the prescribed manner, require any person keeping a bull which has attained the prescribed age and in respect of which no licence is for the time being in force under this Act, to have it effectively castrated within thirty days from the date of service of the notice, by a method and in a manner approved by the Director and specified in the order.

(2) Such castration shall be performed or caused to be performed by the Licensing Officer free of charge, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the notice.

10. Production of licence.—It shall be the duty of any person who for the time being keeps a bull in respect of which a licence has been obtained and is in force, to produce such licence—

(*a*) on demand made by a Licensing Officer or any other officer authorised in this behalf by the Director, within a reasonable time, at any place where the bull is for the time being;

(*b*) on demand made by the person in charge of the cow before a cow is served by the bull.

11. Penalties.—Whoever—

(*a*) keeps a bull, in contravention of the provisions of this Act or of any rule or order made thereunder, or of any conditions of a licence; or

(*b*) fails to submit a bull for inspection when required to do so under section 8; or

(*c*) fails to comply with a notice served under section 9; or

(*d*) fails to produce a licence when required to do so under section 10;

shall be punishable with fine which may extend to twenty-five rupees, and in case of any subsequent offence, with fine which may extend to fifty rupees.

12. Composition of offences.—(1) Any offence punishable under this Act or any rule made thereunder may be compounded by an Officer of the Animal Husbandry Department not below the rank of Assistant Director of Animal Husbandry having jurisdiction over the area in which the offence is committed, on payment of an amount fixed by that officer.

(2) On the composition of an offence under sub-section (1), the person concerned, if in custody, shall be set at liberty, and if proceedings in any criminal court have been instituted against such person in respect of the offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

13. Power of Licensing Officer to castrate bulls.—(1) If a person who keeps a bull fails to have it castrated when required to do so under section 9, the Licensing Officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(2) (*a*) If it is not known in whose ownership, possession or custody a bull is for the time being, and the fact cannot be ascertained after an enquiry in the prescribed manner, the Licensing Officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the prescribed age and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5, may direct that the bull be castrated by a method and in a manner approved by the Director, and marked with a prescribed mark in the prescribed manner, free of charge.

(*b*) Every bull seized under clause (*a*) shall, after it has been castrated and marked as aforesaid, where necessary, be sold by public auction or sent to a *pinjrapole* or infirmary, recognised by the State Government in this behalf.

(*c*) In case the owner of any bull seized under clause (*a*) appears before the Licensing Officer within such time as may be prescribed in this behalf and proves to the satisfaction of such Officer that the bull is owned by him—

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull and determined in the prescribed manner ; and

(ii) in any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance, and determined in the prescribed manner.

14. Power of Licensing Officer, etc., to inspect or mark bull and to enter premises.—For the purposes of this Act, a Licensing Officer or any officer authorised by the Director in this behalf shall have power at all reasonable times—

(*a*) to inspect any bull ;

(*b*) to mark any bull with a prescribed mark in the prescribed manner ; and

(*c*) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept.

15. Duty of Officers to report offences.—It shall be the duty of all village officers and servants and of all officers of the Animal Husbandry, Agriculture, Community Development and Revenue Departments, and of all officers of such other Departments as may be notified by the State Government,—

(*a*) to give immediate information which may come to their knowledge of the commission of any offence or any attempt or preparation to commit any offence, punishable under this Act, to the nearest Licensing Officer;

(*b*) to take all reasonable measures in their power to prevent the commission of any such offence which they know or have reason to believe is about or likely to be committed; and

(*c*) to assist any Licensing Officer in carrying out the provisions of this Act.

16. Cognizance of offences.—No Magistrate shall take cognizance of any offence under this Act, except upon a complaint made by a Licensing Officer or any person authorised by such officer in this behalf.

17. Officers to be public servants.—The Director, every Licensing Officer, all officers and persons authorised by the Director or the Licensing Officer under this Act, and all village officers and servants shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860).

18. Bar of certain proceedings.—(1) No prosecution or other proceeding shall lie against any officer or servant of the State Government for any act done or purporting to be done under this Act, without the previous sanction of the State Government.

(2) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

19. Limitation for certain suits and prosecutions.—No suit shall be instituted against the State Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act, complained of.

20. Power to make rules.—(1) The State Government may after previous publication, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed;

(*b*) the fees which may be charged for the grant of duplicates of licences and the conditions, restrictions and limitations subject to which they may be granted;

(*c*) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure to be followed by such officers;

(*d*) the service of notices and orders issued under this Act.

(3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to twenty-five rupees.

(4) Every rule made under this section, shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

21. Bull dedicated to a religious purpose.—(1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith for a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner, to the Licensing Officer.

(2) If the Licensing Officer is of opinion that any such bull, as is referred to in sub-section (1), is of the description set out in sub-clause (*a*), or (*b*) or (*c*) of sub-section (1) of section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Director.

22. Repeal and Savings.—The Mysore Live-Stock Improvement Act, 1951, (Mysore Act XIX of 1951) as in force in Mysore Area, the Bombay Live-Stock Improvement Act, 1933 (Bombay Act XXII of 1933) as in force in Bombay Area, the Madras Live-Stock Improvement Act, 1940 (Madras Act XV of 1940) as in force in Madras Area and Bellary District the Coorg Live-Stock Improvement Act, 1950 (Coorg Act III of 1950) as in force in Coorg District, are hereby repealed:

Provided that the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act III of 1899), and sections 8 and 24 of the said Act shall apply as if the said enactments had been repealed and re-enacted by this Act.

The Bill has been passed by both Houses of the Legislatnre.

SPEAKER,
Legislative Assembly.

November, 1961

I assent to this Bill.

Jaya Chamaraja Wadiyar

GOVERNOR OF MYSORE.

ed 15th December 1961.

GOVERNMENT OF MYSORE

No LAW 112 LGN 58.
Encl: Nil.

Issued.
4-12-61

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore, 4th Dec. 1961
13 Margasira, 1883 (S.E.)

FROM

The *Secretary to the Government of Mysore,*
LAW DEPARTMENT.

The Secretary,
Mysore Legislature,
Bangalore.

Subject:- The Mysore Live-Stock Improvement Bill, 1961.

Sir,

I am directed to state that the Bill noted above received the assent of the Governor on the 1st day of December, 1961 and is being published as Mysore Act No. 30 of 1961 in Part IV - Section 2-B of the Mysore Gazette dated 7th December, 1961.

The authentic copy of the Bill signed by the Governor is enclosed. The receipt of the same may kindly be acknowledged.

Yours faithfully,

4/12/61
(S. A. [illegible])
[illegible] GOVERNMENT,
[illegible].

GOVERNMENT OF MYSORE.

LAW DEPARTMENT.

NOTIFICATION.

Issue
4-12-61

Order No. LAW....112 /LGN.....58....., *Bangalore, Dated*..... ....*195* .

Ordered that ..the Mysore Live-stock Improvement Act, 1961...

.....

.....

which received the assent of the Governor, on the ...First .... day of December ..... 1961 , be published as Mysore Act No.... 30.... ....of 1961 , in the *Mysore Gazette* for general information.

Here insert the enclosed matter.

(* * *)

~~Secretary to Law Department.~~

To

The Compiler, *Mysore Gazette*, for publication in Part IV, Section 2-B of the next issue of the Gazette in English and Kannada and for supply of spare copies in English and Kannada as per standing orders.

dated the 7th Dec., 1961

2. The Chief Translator to Government.

WD 05906—GPB—1,000—23-7-59

THE MYSORE LIVE-STOCK IMPROVEMENT ~~BILL~~ ACT, 1961.

PREAMBLE.

~~Clauses.~~

1. Short title, extent and commencement.
2. Definitions.
3. Conferment of powers or duties of the Director.
4. Bulls which have attained a certain age to be licensed.
5. Refusal and revocation of licences.
6. Surrender of licence.
7. Grant of duplicate licence.
8. Inspection of bulls.
9. Power to order castration of bulls.
10. Production of licence.
11. Penalties.
12. Composition of offences.
13. Power of Licensing Officer to castrate bulls.
14. Power of Licensing Officer, etc., to inspect or mark bull and to enter premises.
15. Duty of Officers to report offences.
16. Cognizance of offences.
17. Officers to be public servants.
18. Bar of certain proceedings.
19. Limitation for certain suits and prosecutions.
20. Power to make rules.
21. Bull dedicated to a religious purpose.
22. Repeal and savings.

MYSORE ACT No. 30 OF 1961.

(First published in the Mysore Gazette on the Seventh day of December, 1961).

THE MYSORE LIVE-STOCK IMPROVEMENT ~~BILL~~ ACT, 1961.

(Received the assent of the Governor on the First day of December 1961).

An Act ~~A Bill~~ to provide for the improvement of Live-stock in the State of Mysore.

WHEREAS it is expedient to provide for the improvement of live-stock in the State of Mysore ;

BE it enacted by the Mysore State Legislature in the Twelfth Year of the Republic of India as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Live-stock Improvement Act, 1961.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once in the areas in which any of the enactments repealed by section 22 is in force, and shall come into force in any other area on such date as the State Government may, by notification, specify.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "bull" includes a buffalo bull ;

(*b*) "cow" includes a buffalo cow and a heifer ;

(*c*) "Director" means the officer appointed by the State Government as the Director of Animal Husbandry and Veterinary Services in Mysore, and includes any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under section 3 ;

(*d*) "licence" means a licence granted under section 4 ;

(*e*) " Licensing Officer " means the Director or any other officer authorised to grant licences under section 4;

(*f*) " notification " means notification published in the Official Gazette;

(*g*) " prescribed " means prescribed by rules made under this Act;

(*h*) a person is said to " keep a bull " if he owns the bull or has the bull in his possession or custody;

(*i*) a bull is said to be " castrated " if it is rendered incapable of propagating its species.

3. Conferment of powers or duties of the Director.—The State Government may, by notification, confer or impose on any person all or any of the powers or duties of the Director under this Act.

4. Bulls which have attained a certain age to be licensed.—(1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the conditions of a licence granted under this section.

Explanation :—Where a person keeps more than one bull he shall obtain a separate licence in respect of each bull.

(2) Every licence under this section shall be granted by the Director or any officer not below the rank of a Veterinary Inspector authorised by the Director by general or special order. It shall be in such form, for such period, and subject to such conditions as may be prescribed :

Provided that no fee shall be charged for the grant of the licence.

5. Refusal and revocation of licences.—(1) Subject to such rules as may be prescribed, the Licensing Officer may refuse to grant a licence in respect of any bull, if in his opinion the bull appears to be—

(*a*) of defective or inferior conformation and consequently, likely to beget defective or inferior progeny, or

(*b*) suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purpose, or

(*c*) of a breed which is undesirable in public interest to propagate in the district or part of the district in which it is kept.

(2) (*a*) The Licensing Officer may revoke a licence granted in respect of any bull kept within his jurisdiction (whether such licence was granted by himself or by any other officer) if there has been a breach of any of the conditions of the licence.

(*b*) The State Government, in respect of a licence granted by the Director, and the officer of the Animal Husbandry Department immediately superior to the Licensing Officer, in respect of a licence granted by any other officer of that Department, may revoke the licence, if the licence was granted under circumstances, under which it ought not to have been granted.

(*c*) Before revoking a licence under clause (*a*) or clause (*b*), a notice shall be given to the person concerned of the grounds on which it is proposed to take action and he shall be given a reasonable opportunity of showing cause against it.

(3) If a licence is revoked under this section, the State Government or the officer revoking the licence shall communicate the order of revocation along with the grounds of revocation, to the person keeping the bull or to the person stated in the licence to be the owner of the bull.

(4) Against an order either refusing to grant or revoking a licence under sub-section (1) or sub-section (2) an appeal shall lie within thirty days of the communication of such order,—

(i) to the State Government, if the order is that of the Director;

(ii) to the Director, if the order is that of any officer subordinate to the Director.

The order in appeal shall be final.

6. Surrender of licence.—A licence granted in respect of a bull shall be surrendered to the Licensing Officer, if—

(*a*) the period specified in the licence expires, or

(*b*) the licence is revoked under this Act, or

(*c*) the bull dies or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

The licence shall be surrendered within fifteen days from the date of its expiry or revocation or the date of death of the bull or the issue of the certificate that the bull has been castrated, as the case may be.

7. Grant of duplicate licence.—If the Licensing Officer is satisfied that the licence granted under section 4 has been lost or destroyed, such officer may, subject to such conditions and payment of such fees, as may be prescribed, issue to the holder of the licence a duplicate thereof, and all the provisions of this Act with respect to the licence so lost or destroyed shall apply to the duplicate as if it were the original licence.

8. Inspection of bulls.—The Licensing Officer may, by notice served in the prescribed manner, require any person keeping a bull to submit it for inspection at any reasonable time by himself or by any officer deputed by him for the purpose, either at the place where the bull is kept for the time being, or at any appointed place in the village, town or city in which the bull is kept specified in the order, and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all reasonable assistance in connection with such inspection to the officer concerned.

9. Power to order castration of bulls.—(1) The Licensing Officer may, by notice served in the prescribed manner, require any person keeping a bull which has attained the prescribed age and in respect of which no licence is for the time being in force under this Act, to have it effectively castrated within thirty days from the date of service of the notice, by a method and in a manner approved by the Director and specified in the order.

(2) Such castration shall be performed or caused to be performed by the Licensing Officer free of charge, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the notice.

10. Production of licence.—It shall be the duty of any person who for the time being keeps a bull in respect of which a licence has been obtained and is in force, to produce such licence—

(*a*) on demand made by a Licensing Officer or any other officer authorised in this behalf by the Director, within a reasonable time, at any place where the bull is for the time being;

(*b*) on demand made by the person in charge of the cow before a cow is served by the bull.

11. Penalties.—Whoever—

(*a*) keeps a bull, in contravention of the provisions of this Act or of any rule or order made thereunder, or of any conditions of a licence; or

to do so under section 8; or

(c) fails to comply with a notice served under section 9; or

(d) fails to produce a licence when required to do so under section 10;

shall be punishable with fine which may extend to twenty-five rupees, and in case of any subsequent offence, with fine which may extend to fifty rupees.

12. Composition of offences.—(1) Any offence punishable under this Act or any rule made thereunder may be compounded by an Officer of the Animal Husbandry Department not below the rank of Assistant Director of Animal Husbandry having jurisdiction over the area in which the offence is committed, on payment of an amount fixed by that officer.

(2) On the composition of an offence under sub-section (1), the person concerned, if in custody, shall be set at liberty, and if proceedings in any criminal court have been instituted against such person in respect of the offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

13. Power of Licensing Officer to castrate bulls.—(1) If a person who keeps a bull fails to have it castrated when required to do so under section 9, the Licensing Officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(2) (a) If it is not known in whose ownership, possession or custody a bull is for the time being, and the fact cannot be ascertained after an enquiry in the prescribed manner, the Licensing Officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the prescribed age and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5, may direct that the bull be castrated by a method and in a manner approved by the Director, and marked with a prescribed mark in the prescribed manner, free of charge.

(b) Every bull seized under clause (a) shall, after it has been castrated and marked as aforesaid, where necessary, be sold by public auction or sent to a *pinjrapole* or infirmary, recognised by the State Government in this behalf.

(*c*) In case the owner of any bull seized under clause (*a*) appears before the Licensing Officer within such time as may be prescribed in this behalf and proves to the satisfaction of such Officer that the bull is owned by him—

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull and determined in the prescribed manner ; and

(ii) in any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance, and determined in the prescribed manner.

14. Power of Licensing Officer, etc., to inspect or mark bull and to enter premises.—For the purposes of this Act, a Licensing Officer or any officer authorised by the Director in this behalf shall have power at all reasonable times—

(*a*) to inspect any bull ;

(*b*) to mark any bull with a prescribed mark in the prescribed manner ; and

(*c*) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept.

15. Duty of Officers to report offences.—It shall be the duty of all village officers and servants and of all officers of the Animal Husbandry, Agriculture, Community Development and Revenue Departments, and of all officers of such other Departments as may be notified by the State Government,—

(*a*) to give immediate information which may come to their knowledge of the commission of any offence or any attempt or preparation to commit any offence, punishable under this Act, to the nearest Licensing Officer;

(*b*) to take all reasonable measures in their power to prevent the commission of any such offence which they know or have reason to believe is about or likely to be committed; and

(*c*) to assist any Licensing Officer in carrying out the provisions of this Act.

16. Cognizance of offences.—No Magistrate shall take cognizan of any offence under this Act, except upon a complaint ma by a Licensing Officer or any person authorised by such officer this behalf.

17. Officers to be public servants.—The Director, every Licensi Officer, all officers and persons authorised by the Director the Licensing Officer under this Act, and all village officers a servants shall be deemed to be public servants within the meaning section 21 of the Indian Penal Code, 1860 (Central Act XLV of 186

18. Bar of certain proceedings.—(1) No prosecution or oth proceeding shall lie against any officer or servant of the Sta Government for any act done or purporting to be done under this A without the previous sanction of the State Government.

(2) No officer or servant of the State Government shall liable in respect of any such act in any civil or criminal proceedin if the act was done in good faith in the course of the execution duties or the discharge of functions imposed by or under this Act.

19. Limitation for certain suits and prosecutions.—No suit sh be instituted against the State Government and no suit, prosecuti or other proceeding shall be instituted against any officer or serva of the State Government in respect of any act done or purporting be done under this Act, unless the suit, prosecution or oth proceeding is instituted within six months from the date of the a complained of.

20. Power to make rules.—(1) The State Government m after previous publication, by notification, make rules to car out the purposes of this Act.

(2) In particular and without prejudice to the generality of t foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed;

(*b*) the fees which may be charged for the grant of duplicates of licences and the conditions, restrictions and limitations subject to which they may be granted;

(*c*) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure to be followed by such officers;

(*d*) the service of notices and orders issued under this Act.

(3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to twenty-five rupees.

(4) Every rule made under this section, shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

21. Bull dedicated to a religious purpose.—(1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith for a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner, to the Licensing Officer.

(2) If the Licensing Officer is of opinion that any such bull, as is referred to in sub-section (1), is of the description set out in sub-clause (*a*), or (*b*) or (*c*) of sub-section (1) of section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Director.

22. Repeal and Savings.—The Mysore Live-Stock Improvement Act, 1951, (Mysore Act XIX of 1951) as in force in Mysore Area, the Bombay Live-Stock Improvement Act, 1933 (Bombay Act XXII of 1933) as in force in Bombay Area, the Madras Live-Stock Improvement Act, 1940 (Madras Act XV of 1940) as in force in Madras Area and Bellary District, the Coorg Live-Stock Improvement Act, 1950 (Coorg Act III of 1950) as in force in Coorg District, are hereby repealed:

Provided that the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act III of 1899), and sections 8 and 24 of the said Act shall apply as if the said enactments had been repealed and re-enacted by this Act.

By Order and in the name of the
Governor of Mysore,

(T.K. Tukol)
Secretary to Government,
Law Department.

DEPUTY DRAFTSMAN & EX OFFICIO DEPUTY SECRETARY
No.....
18 DEC 1961
LAW DEPARTMENT

MYSORE LEGISLATURE

LEGISLATURE SECRETARIAT,
VIDHANA SOUDHA,
P.B. No. 74.
Bangalore-1, Dated 18/12/1961.

No. 11660/LA

FROM

THE SECRETARY,
MYSORE LEGISLATURE,
BANGALORE.

To

The Secretary to Government
Law Department, Bangalore

Subject: The Mysore Live-Stock Improvement Bill, 1961

SIR,

I acknowledge with thanks the receipt of your letter No. LAW 112 LGN 58, dated 4th Dec 61 along with its enclosure.

Yours faithfully,

Under Secretary,
Mysore Legislature.

Law Department
18/12/61

WD 010281—GPB—500—28-11-61

GOVERNMENT OF MYSORE

LEGISLATIVE DEPARTMENT

THE MYSORE LIVE-STOCK IMPROVEMENT ACT, 1961.

GOVERNMENT OF MYSORE

LEGISLATIVE DEPARTMENT

THE MYSORE LIVE-STOCK IMPROVEMENT ACT, 1961.

REAMBLE.

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1. Short title, extent and commencement.
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17. Officers to be public servants.
18. Bar of certain proceedings.
19. Limitation for certain suits and prosecutions.
20. Power to make rules.
21. Bull dedicated to a religious purpose.
22. Repeal and savings.

MYSORE ACT No. 30 OF 1961.

(First published in the Mysore Gazette *on the Seventh day of December, 1961).*

THE MYSORE LIVE-STOCK IMPROVEMENT ACT, 1961.

(Received the assent of the Governor on the First Day of December, 1961)

An Act to provide for the improvement of live-stock in the State of Mysore.

WHEREAS it is expedient to provide for the improvement of live-stock in the State of Mysore

BE it enacted by the Mysore State Legislature in the Twelfth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Live-stock Improvement Act, 1961.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once in the areas in which of the enactments repealed by section 22 is in force, and shall come into force in any other area on such date as the State Government may, by notification, specify.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "bull" includes a buffalo bull;

(*b*) "cow" includes a buffalo cow and a heifer;

(*c*) "Director" means the officer appointed by the State Government as the Director of Animal Husbandry and Veterinary Services in Mysore, and includes any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under section 3;

(*d*) "licence" means a licence granted under section

(*e*) "Licensing Officer" means the Director or any other officer authorised to grant licences under section 4;

(f) "notification" means notification published in the official Gazette;

(g) "prescribed" means prescribed by rules made under this Act;

(h) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody;

(i) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

3. Conferment of powers or duties of the Director.—The State Government may, by notification, confer or impose on any person all or any of the powers or duties of the Director under this Act.

4. Bulls which have attained a certain age to be licensed.—(1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the conditions of a licence granted under this section.

Explanation:—Where a person keeps more than one bull he shall obtain a separate licence in respect of each bull.

(2) Every licence under this section shall be granted by the Director or any officer not below the rank of a Veterinary Inspector authorised by the Director by general or special order. It shall be in such form, for such period, and subject to such conditions as may be prescribed:

Provided that no fee shall be charged for the grant of the licence.

5. Refusal and revocation of licences.—(1) Subject to such rules as may be prescribed, the Licensing Officer may refuse to grant a licence in respect of any bull, if in his opinion the bull appears to be—

(a) of defective or inferior conformation and consequently, likely to beget defective or inferior progeny, or

(b) suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purpose, or

(c) of a breed which is undesirable in public interest to propagate in the district or part of the district in which it is kept.

(2) (*a*) The Licensing Officer may revoke a licence granted i respect of any bull kept within his jurisdiction (whether such licen was granted by himself or by any other officer) if there has been breach of any of the conditions of the licence.

(*b*) The State Government, in respect of a licence granted b the Director, and the officer of the Animal Husbandry Departmei immediately superior to the Licensing Officer, in respect of a licen granted by any other officer of that Department, may revoke tl licence, if the licence was granted under circumstances, under whic it ought not to have been granted.

(*c*) Before revoking a licence under clause (*a*) or clause (*b*), notice shall be given to the person concerned of the grounds (which it is proposed to take action and he shall be given a reasonab opportunity of showing cause against it.

(3) If a licence is revoked under this section, the Sta Government or the officer revoking the licence shall communica the order of revocation along with the grounds of revocatic to the person keeping the bull or to the person stated in the licen to be the owner of the bull.

(4) Against an order either refusing to grant or revoking licence under sub-section (1) or sub-section (2) an appeal shall within thirty days of the communication of such order,—

(i) to the State Government, if the order is that of the Direct

(ii) to the Director, if the order is that of any offic subordinate to the Directo

The order in appeal shall be final.

6. Surrender of licence.—A licence granted in respect of a b shall be surrendered to the Licensing Officer, if—

(*a*) the period specified in the licence expires,

(*b*) the licence is revoked under this Act, or

(*c*) the bull dies or is certified by the prescribed officer to ha been effectively castrated by a method and in a manner approved the Director.

The licence shall be surrendered within fifteen days from t date of its expiry or revocation or the date of death of the bull the issue of the certificate that the bull has been castrated, as case may be.

7. Grant of duplicate licence.—If the Licensing Officer is satisfied that the licence granted under section 4 has been lost or destroyed, such officer may, subject to such conditions and payment of such fees, as may be prescribed, issue to the holder of the licence a duplicate thereof, and all the provisions of this Act with respect to the licence so lost or destroyed shall apply to the duplicate as if it were the original licence.

8. Inspection of bulls.—The Licensing Officer may, by notice served in the prescribed manner, require any person keeping a bull to submit it for inspection at any reasonable time by himself or by any officer deputed by him for the purpose, either at the place where the bull is kept for the time being, or at any appointed place in the village, town or city in which the bull is kept specified in the order, and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all reasonable assistance in connection with such inspection to the officer concerned.

9. Power to order castration of bulls.—(1) The Licensing Officer may, by notice served in the prescribed manner, require any person keeping a bull which has attained the prescribed age and in respect of which no licence is for the time being in force under this Act, to have it effectively castrated within thirty days from the date of service of the notice, by a method and in a manner approved by the Director and specified in the order.

(2) Such castration shall be performed or caused to be performed by the Licensing Officer free of charge, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the notice.

10. Production of licence.—It shall be the duty of any person who for the time being keeps a bull in respect of which a licence has been obtained and is in force, to produce such licence—

(*a*) on demand made by a Licensing Officer or any other officer authorised in this behalf by the Director, within a reasonable time, at any place where the bull is for the time being;

(*b*) on demand made by the person in charge of the cow before a cow is served by the bull.

11. Penalties.—Whoever—

(*a*) keeps a bull, in contravention of the provisions of this Act or of any rule or order made thereunder, or of any conditions of a licence; or

(b) fails to submit a bull for inspection when required to do so under section 8; or

(c) fails to comply with a notice served under section 9; or

(d) fails to produce a licence when required to do so under section 10;

shall be punishable with fine which may extend to twenty-five rupees, and in case of any subsequent offence, with fine which may extend to fifty rupees.

12. Composition of offences.—(1) Any offence punishable under this Act or any rule made thereunder may be compounded by an Officer of the Animal Husbandry Department not below the rank of Assistant Director of Animal Husbandry having jurisdiction over the area in which the offence is committed, on payment of an amount fixed by that officer.

(2) On the composition of an offence under sub-section (1), the person concerned, if in custody, shall be set at liberty, and if proceedings in any criminal court have been instituted against such person in respect of the offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

13. Power of Licensing Officer to castrate bulls.—(1) If a person who keeps a bull fails to have it castrated when required to do so under section 9, the Licensing Officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(2) (a) If it is not k [illegible] session or custody a bull is for the time being, and the fact cannot be ascertained after an enquiry in the prescribed manner, the Licensing Officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the prescribed age and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5, may direct that the bull be castrated by a method and in a manner approved by the Director, and marked with a prescribed mark in the prescribed manner, free of charge.

(b) Every bull seized under clause (a) shall, after it has been castrated and marked as aforesaid, where necessary, be sold by public auction or sent to a *pinjrapole* or infirmary recognised by the State Government in this behalf.

(*c*) In case the owner of any bull seized under clause (*a*) appears before the Licensing Officer within such time as may be prescribed in this behalf and proves to the satisfaction of such Officer that the bull is owned by him—

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull and determined in the prescribed manner ; and

(ii) in any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance, and determined in the prescribed manner.

14. Power of Licensing Officer, etc., to inspect or mark bull and to enter premises.—For the purposes of this Act, a Licensing Officer or any officer authorised by the Director in this behalf shall have power at all reasonable times—

(*a*) to inspect any bull ;

(*b*) to mark any bull with a prescribed mark in the prescribed manner ; and

(*c*) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept.

15. Duty of Officers to report offences.—It shall be the duty of all village officers and servants and of all officers of the Animal Husbandry, Agriculture, Community Development and Revenue Departments, and of all officers of such other Departments as may be notified by the State Government,—

(*a*) to give immediate information which may come to their knowledge of the commission of any offence or any attempt or preparation to commit any offence, punishable under this Act, to the nearest Licensing Officer;

(*b*) to take all reasonable measures in their power to prevent the commission of any such offence which they know or have reason to believe is about or likely to be committed; and

(*c*) to assist any Licensing Officer in carrying out the provisions of this Act.

16. Cognizance of offences.—No Magistrate shall take cognizance of any offence under this Act, except upon a complaint made by a Licensing Officer or any person authorised by such officer in this behalf.

17. Officers to be public servants.—The Director, every Licensing Officer, all officers and persons authorised by the Director or the Licensing Officer under this Act, and all village officers and servants shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860).

18. Bar of certain proceedings.—(1) No prosecution or other proceeding shall lie against any officer or servant of the State Government for any act done or purporting to be done under this Act, without the previous sanction of the State Government.

(2) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

19. Limitation for certain suits and prosecutions.—No suit shall be instituted against the State Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

20. Power to make rules.—(1) The State Government may after previous publication, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed;

(*b*) the fees which may be charged for the grant of duplicates of licences and the conditions, restrictions and limitations subject to which they may be granted;

(*c*) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure to be followed by such officers;

(*d*) the service of notices and orders issued under this Act.

(3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to twenty-five rupees.

(4) Every rule made under this section, shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

21. Bull dedicated to a religious purpose.—(1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith for a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner, to the Licensing Officer.

(2) If the Licensing Officer is of opinion that any such bull, as is referred to in sub-section (1), is of the description set out in sub-clause (*a*), or (*b*) or (*c*) of sub-section (1) of section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Director.

22. Repeal and Savings.—The Mysore Live-Stock Improvement Act, 1951 (Mysore Act XIX of 1951) as in force in Mysore Area, the Bombay Live-Stock Improvement Act, 1933 (Bombay Act XXII of 1933) as in force in Bombay Area, the Madras Live-Stock Improvement Act, 1940 (Madras Act XV of 1940) as in force in Madras Area and Bellary District, the Coorg Live-Stock Improvement Act, 1950 (Coorg Act III of 1950) as in force in Coorg District, are hereby repealed:

Provided that the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act III of 1899), and sections 8 and 24 of the said Act shall apply as if the said enactments had been